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SOURCES OF ST. THOMAS' CONCEPT OF NATURAL LAW



I

THE EMERGENCE OF THE PRECEPTS INTO ROMAN LAW

THE convergence of two principal lines of influence provide an original source of the concept of natural law and its primary precepts as understood by St. Thomas Aquinas in the *Summa Theologiae*.¹ Into this fluid and still largely indeterminate deposit St. Thomas brings synthetic, ordered and ultimate expression. *Synthetic*, in the sense that the law and its precepts are there seen in a context until then unattained. Their formulation within the *Summa Theologiae* brings an altogether new perspective, within an ontological hierarchy that is primarily and formally theological,

¹ The developed doctrine appears between Questions 90-97 of the *Prima Secundae*.

but into which the perfection of Roman Law and of Greek philosophical genius has been incorporated and integrated.² An order of primary precepts is established, and from a twofold standpoint. First in the derivation of the precepts from elementary *per se nota* principles and ultimately from the principle of contradiction. Secondly, in the disposition of the precepts among themselves. It will be necessary to insist upon this point since much previous and subsequent confusion has its roots in inversions of this order.

The formulation is *ultimate*, again in a double sense. It is ultimate *a priori* in the unassailable metaphysical basis upon which it is established in the *Summa* and *a posteriori*, from the fact that the attempts of subsequent history have provided no satisfactory alternative.

The two lines providing the original deposit comprise what we shall term the philosophical factor, with its roots in Hellenic speculation; and the genius of Roman jurisprudence deriving from, and enforced in fact from, the peculiar historical context of which Rome found itself the center. This we shall term the legal factor. We shall consider the main historical features of these two factors and their convergence at a point most fruitful in the express development of the precepts, at the close of the Roman Republic, and before the early Classical period of law under the Principate.³ It will then be possible to examine the principal characteristics of the period of convergence itself.

² "Si telles (the rediscovery of antiquity and intense revival of interest therein) sont les deux composantes spirituelles de toute renaissance, nous voici attentifs à discerner dans le cas de saint Thomas d'Aquin ce qu'il recueillera de l'héritage antique, mais aussi ce par quoi son génie transformera l'homme d'Aristote, comme la grâce rénove la nature sans en violenter la structure originelle. Rarement fut-il plus beau cas d'une concurrence de l'inspiration créatrice, et de la plus sincère imitation." M.-D. Chenu, O. P., *Introduction à l'étude de saint Thomas d'Aquin* (Montréal-Paris, 1950), p. 28. This work gives (passim) valuable and scientific estimate of various factors, principally in the methodological background of St. Thomas, including the influence of Aristotle. While a historical common-place, this influence is of considerable importance in our context.

³ The close of the Republic is taken as coinciding with the Battle of Actium (31 B. C.), the Principate as beginning in 27 B. C. with the regularizing of his power by Augustus, and the Earlier Classical Period of Law as extending from the

ARTICLE 1. *The Philosophical Factor.*

This factor may itself be comprised of two originally distinct elements—the line of the poets (or secondary line), and the line of the formal philosophers (the primary line).

(a) *The Poetic (or secondary) Line*

If this is a true line of express but implicit⁴ recognition of natural law and of a complex of precepts, then it is chronologically much more ancient than that of the line of formal philosophy. We shall accordingly treat of it first—and principally to dispose of it.

It has been suggested that the idea underlying the definition of *ius naturale* given by Ulpian⁵ is already found in Homer.⁶ This suggestion can be admitted only with difficulty and in most general terms. It would be difficult to overestimate the influence of Homer directly, and particularly indirectly, on the formation of the deposit of Greek thought. The position occu-

reign of Hadrian (117-138) to that of M. Aurelius alone (172-180). Cf. H. E. Jolowicz, *Historical Introduction to the Study of Roman Law* (Cambridge University Press, 1939), p. xviii. Cf. also Appendix III to this article. Dates of principal persons are given in Appendix I.

⁴ The term "express" is used in association with "implicit" to indicate the clear literary expression of an idea containing a fuller significance which at the time is neither accurately formulated nor even fully realized. Thus the idea is expressed—its fuller significance remains obscure, virtual and therefore implicit.

⁵ "Ius naturale est quod natura omnia animalia docuit: nam ius istud non humani generis proprium, sed omnium animalium (quae in coelo) quae in terra, quae in mari nascuntur, avium quoque commune est. Hinc descendit maris atque feminae coniunctio, quam nos matrimonium appellamus; hinc liberorum pro creatio, hinc educatio: vidimus etenim coetera quoque animalia, feras etiam, istius iuris peritiam censer." Cf. O. Lottin, *Le Droit Naturel chez Saint Thomas d'Aquin et ses prédécesseurs* (Deuxième édition—Bruges, Belgique), p. 8, note 2. The definition is incorporated and perpetuated almost in its entirety in the Institutes of Justinian, cf. *D. Iustiniani, Sacratissimi Principis, Institutiones*. Lib. I, Tit. II, Praem., "De Iure Naturali, Gentium et Civili," and is subsequently considered by St. Thomas (*IV Sent.*, d. 33, q. 1, a. 1, ad 4) as will be seen.

⁶ "Questa idea di Ulpiano che è stata assai maltrattata dal punto di vista del diritto razionale, si trova, come osserva lo Schulin, "Lehrbuch," p. 80, già presso il vecchio Omero e presso i filosofi greci, e non è irragionevole dal punto di vista della storia del diritto." Cf. F. Girard, *Manuale Elementare di Diritto Romano*, Trans. Carlo Longo (Ed. Società Editrice Libreria, 1909), p. 13, note 1.

pied by the *Iliad* and the *Odyssey* in Greek life was admittedly considerable for a thousand years,⁷ extending to Aristotle himself, in whom its psychological influence is certainly present, if impossible to determine fully.⁸ Apart from general educational orientation, Homer is cited frequently throughout the works of Aristotle and in the *Rhetoric*, for instance, he is cited more often than any other writer,⁹ but it is significant that when in that work reference is made to natural law, it is not Homer who is invoked. It is true to say that the influence of Homer is material, but there is little evidence of what may be termed a formal doctrinal contribution to Aristotle.¹⁰ Insofar as the Homeric poems provide a series of "ethical types" performing actions and conforming with norms which are implicitly taken as having universal validity, there is a recognition of natural law, but only in a most virtual and unsystematic sense.¹¹ The

⁷ "... a citation from Homer was the natural way of settling a question of morals or behaviour. Homer could be quoted in diplomatic exchanges, like a Domesday book, to support a territorial claim. . . . The Greeks then, who for a thousand years turned to Homer for the education of their young and for the delight and instruction of the mature, were not turning to mere venerable relics or patriotic historical sagas or charming fairy stories, but to poems which already possessed all those qualities which made the Greek civilization what it was." H. Kitto, *The Greeks*, Pelican Books, No. A 220 (Middlesex, 1952), pp. 44, 45, and 55. For particular points of influence in the Pre-Socratic period, cf. E. Bréhier, *Histoire de la Philosophie* (Alcan: Paris, 1932), Tom. I, pp. 41-86.

⁸ For certain of these influences cf. Werner Jaeger, *Aristotle, Fundamentals of the History of his Development* (Oxford Univ. Press., 2nd Ed., 1948), v. g., pp. 119, 220, 229, and particularly p. 356. Also interesting, and in this Homeric context, perhaps significant, is the curious extract from a letter at the close of Aristotle's life, "The more solitary and isolated I am, the more I have come to love myths." Cf. Jaeger, *op. cit.*, p. 321, and note 1. For the interrelation of myth and wisdom, cf. also *Metaphysics*, Bk. I, 2, 982b. 17, and the Commentary of St. Thomas, Lect. (Ed. Cathala), No. 55, p. 19.

⁹ Cf. W. D. Ross, *Aristotle* (Methuen: London, 2nd revised Ed., 1930), p. 3. It is also useful to note that the *Rhetoric*, together with the *Nicomachean Ethics*, the *Poetics* and others, is assigned in Jaeger's "psychological order" to the later part of Aristotle's life—the 2nd Athenian period. Cf. Ross, *op. cit.*, p. 19. The Homeric references in these works are therefore those of a mind in the state of maximum maturity.

¹⁰ We may except certain mythical cosmogonical elements. Cf. Jaeger, *op. cit.*, p. 356.

¹¹ We consider that this explication of the implicit content of Homer concerning

idea of system, of abstraction and of a critical synthetic approach to reality, has not yet emerged.¹² Consequently we cannot look upon Homer as more than a general, diffuse and indeterminate contributor to the developed doctrine of natural law.

The position of Sophocles is much more important, first in his explicit reference to unwritten unalterable laws, and secondly in his being cited by Aristotle in one of the most significant references to natural law present in the works of the latter.¹³ Sophocles in the *Antigone* states in the defence of Antigone before Creon, of her action in burying Polynices in contravention of a positive edict:

That order did not come from God. Justice,
That dwells with the gods below, knows no such law.
I did not think your edicts strong enough
To over-rule the unwritten unalterable laws
Of God and heaven, you being only a man.
They are not of yesterday or today but everlasting,
Though where they come from, none of us can tell.

natural law is very well exemplified in the following interesting citation from the *Republic*. Plato is discussing the concupiscible and irascible appetites in their relation to reason. They are distinct from it: "And in the brute beasts too, one may observe yet further, that what you say is truly the case; and besides this, it is attested also by what we formerly cited from Homer—'His breast he struck, and thus his heart reproved'—for in this passage Homer has plainly made one part reprove the other; that part, namely, which reasons about good and evil, to reprove the part which is unreasonably angry." Book IV, Ch. 17, English ed. cit., p. 126.

¹² "Homer has, of course, no systematic theology: indeed the very idea of systematic thought has not yet come into existence. But to the Greeks this background (of allusion to physical nature) was not decoration: it was rather a kind of perspective—not in space, but in meaning. It makes us see the particular action we are watching not as an isolated, a casual, a unique event; we see it rather in its relation to the moral and philosophical framework of the universe. This framework, I must repeat, is not one which Homer consciously expounds; he had no complete philosophical system. Nevertheless he sees that there is a unity in things, that events have their causes and results, that certain moral laws exist." Kitto, *op. cit.*, p. 53, 55.

¹³ Sophocles (born Athens 496 B.C.) occupies a position in the Pre-Socratic stage of philosophy in the period of the first Pythagorean school (530-350). Euripides (born 484) precedes Socrates by about 15 years.

Guilty of their transgression before God
I cannot be, for any man on earth.¹⁴

Thus natural instinct, in this case of piety and compassion, is acknowledged as part of a law which is superior to positive law, recognizable as distinct from written law, immutable, and carrying with it an interior and inevitable sanction.

Part of this statement is cited by Aristotle in the "Rhetoric" where a common law rooted in nature is formally proposed in association with written and unwritten law.¹⁵

At this point the rather insignificant direct and cited contribution of the poets ceases. The binding force of certain natural instincts is beautifully acknowledged later, v. g., in Euripides,¹⁶ but these works are composed at the beginning of the classical period and during the lifetime of Socrates. Consequently they no longer necessarily express an independent poetical development of thought.

(b) *The Philosophical (or Primary) Line.*

(i) *The Pre-Socratics.*

It is not here intended to discuss the general structure of pre-Socratic thought¹⁷ but to consider from the fragments of

¹⁴ Cf. *Sophocles, The Theban Plays*, a New Translation by E. F. Watling, The Penguin Classics, L. 3 (Penguin Books: London, 1953), p. 138.

¹⁵ "Dico autem legem aliam quidem propriam aliam vero communem. Propriam quidem eam, quam sibi quique statuunt; eamque aut non scriptam, aut scripto comprehensam. Communem autem eam, quae naturalis est; est enim commune quoddam iustum natura et iniustum, quod omnes quodammodo vaticinantur, etiamsi nulla de eo inter illos communicatio aut pactio intercesserit. Quale etiam Antigone apud Sophoclem dicere videtur, iustum esse affirmans, sepelire Polynicen, quamvis vetitum sit, quod id natura iustum sit:

'neque enim hodie ius hoc receptum est, aut heri,
aeternitate fixum ab omni sed viget,
neque origo quae sit eius, ulli cognitum sit.'

Rhetorica, Lib. I, Cap. 13, 2. Ed. Firmin—Didot et sociis, Paris), Vol. I, p. 340.

¹⁶ V. g., "Hippolytus." Cf. the speech of Phaedra in *Euripides; Alcestes and other Plays*, W. Vellacott (Penguin Classics, L. 31, London 1953), p. 39.

¹⁷ It is useful, however, to have the pattern in mind. The reader is therefore referred to the general histories of philosophy, v. g. W. Turner, *A History of Philosophy* (London, 1903), pp. 30-75; Fr. Copleston, *A History of Philosophy* (The

the writings of the philosophers of that period, the contribution made to the Hellenic deposit relative to natural law and its precepts. The Table appended ¹⁸ lists in chronological order of their authors those fragments which have some relevance in this context. It should be remembered that they are but fragments, wholly out of their original context and also isolated from the interpretation placed on many of them by the early successors of their authors. They are nonetheless revealing. The recognition of offences universally regarded as shameful is present in Xenophanes.¹⁹ In Heracleitus the thinking faculty is common to all,²⁰ the passions must be subjected to reason, though this be difficult;²¹ natural law is known to exist,²² and human law is founded on a divine order.²³ In Epicharmus we note the primacy of reason over emotion,²⁴ and in Alcmaeon the assertion of "understanding" as distinctive of man.²⁵ In Philolaus there is the very notable distinction of "nature" and "convention";²⁶ truth is conceived as the product of Harmony, falsehood and envy as belonging to disorder, the Unintelligent and Irrational; and the brain considered as the controlling factor in man.²⁷ The fragments of Democritus are particularly relevant. He sees law as the norm of order in behavior²⁸ and in the last analysis this norm resides within the soul itself.²⁹

Bellarmino series IX; B. O. & W. 1946), Vol. I, pp. 13-80; and (for greater detail) Emile Bréhier, *Histoire de la Philosophie* (Alcan, Paris), Tom. I, Livre I, pp. 41-87; and for more specialized works to J. Burnet, *Greek Philosophy*, Part I—Thales to Plato (Macmillan: London, 1914); and Kathleen Freeman, *The Pre-Socratic Philosophers* (Oxford, 1946).

¹⁸ Appendix II.

¹⁹ Appendix II, Text 1. (Future references to texts in this article are to Appendix II until otherwise stated.)

²⁰ Text 2 (d).

²¹ Text 2 (g).

²² Text 2 (c).

²³ Text 2 (e).

²⁴ Text 3 (b).

²⁵ Text 4.

²⁶ Text 5 (a).

²⁷ Texts 5 (b) and (c). But the physiological context should be noted.

²⁸ Text 6 (a).

²⁹ Text 6 (f).

The good and the true are an objective universal norm³⁰ to which many conform naturally, i. e., without learning.³¹ The natural law is expressly stated, is primeval and *intrinsic*, deriving not from the gods as a series of positive edicts, nor dictated by external motives, such as profit, but by an inner necessity of nature.

The procreation of children is of natural law—and this law extends to their education.³² This fragment is a very remarkable adumbration of the definitions of Cicero and Ulpian, and through these and other intermediaries, the idea extends to the *Summa Theologiae*. Antiphon, presuming the existence of a natural law, refers to its edicts as being compulsory and carrying with them an inner sanction. This law is universal and is more fundamental and more real than any distinction of “free” or “servile,” “barbarian” or “Hellene.” The relation of natural to positive law is also discussed.³³

Thus the close of the pre-Socratic period has left Greek thought with a developed awareness of the existence of a natural law, universal, intrinsic,³⁴ superior to positive law and distinct from convention, and has expressed some of its primary precepts, notably, the primacy of reason,—the procreation and education of children. We are, however, very far from the lapidary statement and order of this law and its precepts, and the total integration which is to be achieved in the Scholastic theological period.

The importance of the pre-Socratic achievement should not be exaggerated—its philosophers reached few stable conclusions in ethics and are frequently in opposition to each other on important issues. Their work is also distorted by naive biological and cosmological theories, which draw scant recognition from the later Hellenic masters. Their influence on Cicero and

³⁰ Text 6 (c).

³¹ Text 6 (b).

³² Text 6 (g).

³³ Text 7.

³⁴ Lottin sees in the elaboration and development of this “intrinsic” quality of natural law a principal factor in ensuring the permanence of the doctrine of St. Thomas Aquinas. Cf. Lottin, *op. cit.*, p. 103.

Ulpian must, however, be recognized, and it will be apparent when these latter are discussed.

One further observation must be made. In the pre-Socratic philosophers there is clear evidence of the antiquity of the concept of natural law—and that this concept has emerged on the first express reflexive observation which man has made upon himself. While antiquity, as such, is no adequate criterion of truth, we may observe that this particular concept is one of the few pre-Socratic doctrines which survive the critical analysis of the next period. Where antiquity has shown itself resilient in the face of developed criticism, we have an increasingly cogent criterion.

(ii) *From Plato to the Stoics.*

Plato. In considering the contribution of Plato to the developed doctrine of natural law, and with particular reference to an order of precepts, the most significant direct observations will be found in the *Republic*, and especially in Book IV. From Chapter XI of that Book the question of the nature of justice is examined by a consideration of man as a diminutive of the state—thus possessing, or capable of possessing, the same principles in his soul, namely, temperance, fortitude and wisdom. The question of the unity or diversity of the concupiscible and irascible appetites and reason then arises:

This, however, is truly hard (to decide), whether we perform our separate acts by one and the same power, or whether, as they are three, we perform one by one, and another by another; that is, learn by one, get angry by another, and by a third covet the pleasures of nutrition and propagation, and others akin to these; or whether, when we devote ourselves to them, we act on each with the whole soul: these matters are difficult adequately to determine.³⁵

What is here significant in relation to the precepts, is that the movement of these appetites is regarded as *natural* in the sense that it is *common*. The participants in the dialogue

³⁵ *Republic*, Bk. IV, Cap. XIII, *The Works of Plato*, trans. Henry Davis (London, 1908), Vol. II, p. 120.

understand that the appetites and their objects, at least in general, are identical in all men. Consequently, there is no discussion here, precisely on this point. What is sought is the establishment of their distinction and order, which for Plato will be the order of personal justice.

It is also possible to distinguish in embryonic form the assertion of the principle "*bonum est faciendum*."

Let no one then, said I, trouble us, as if we were inadvertent, (by objecting to us) that no one desires drink, but good drink,—nor meat, but good meat;—inasmuch as all men desire what is good. If then, thirst be a desire, it is one of something good; whether it be of drink, or anything else whatever,—and in the same way with all the other desires. Aye, perhaps, replied he, the man who says this may be deemed to say something to the purpose.³⁶

The controlling and inhibiting function of reason is then considered:

Might it not be said, that there is something in their soul that prompts them to drink, and likewise something that restrains them, quite different, and that prevails over the prompting principle? I think so, said he. Does not the restraining principle then, whenever it arises, arise from reason; while those that urge and lead men onwards, proceed from affections and ailments? It appears so.³⁷

In the temperate man, who will also be just, there will be a harmony under the dictate of reason:

And do we not, moreover, term a man temperate, from the association and harmony of these very principles, when the governing and governed agree in one,—namely, when reason governs, and when the others are not at variance therewith?³⁸

After establishing that injustice consists in the disorder of insurrection of parts which are naturally inferior, over parts intended by nature to govern, the production of justice is seen to be analogous with the maintenance of health:

³⁶ *Republic, loc. cit.*, cap. XIV, p. 122.

³⁷ *Republic, loc. cit.*, cap. XV, p. 124.

³⁸ *Republic, loc. cit.*, cap. XVII, p. 128.

To produce health, however, is to establish everything in the body so that they shall mutually govern and be governed, conformably to nature. . . . Then again, said I, to produce justice, is it not to establish all in the soul, so that its parts shall mutually govern and be governed according to nature;—and does not injustice consist in governing and being governed by one another contrary to nature? ³⁹

These conclusions built up progressively in the latter part of Book IV present probably as close an approximation to the order of principles of natural law as is attained in the works of Plato. Admittedly the basis of the discussion is more precisely the principle of justice, but the outline of natural law is evident, at least implicitly. The principle "*bonum est faciendum*" is distinctly foreshadowed, the natural instinctual appetites accepted as unquestioned data, and a serious attempt is made to establish an order, at least normative, existing among them—an order which is the order of justice, having as its first operative principle the primacy of reason. The whole tract, however, remains rather hypothetical—the just man, if and where he exists, will act in this way. The developed concept of natural law has a much more immanent and dynamic character, and complete universality in its principles—freedom to deviate remaining. The intrinsic quality of the law of nature also suffers some diminution in Plato's relegation of the source of the "*nomos*" to the state, and its actualization to education.

The question now arises as to the influence this doctrine exercised directly or indirectly on St. Thomas. The *indirect* influence of general Platonic philosophy is, of course, received in Aristotle, and with greater detachment in St. Augustine,⁴⁰

³⁹ *Republic*, loc. cit., cap. XIX, p. 130.

⁴⁰ Cf. C. Huit, "Les Éléments Platoniciens de la Doctrine de S. Thomas," art. in *Revue Thomiste* (19e année, 1911), p. 742, note 3. This work gives a valuable estimate of the influence of Plato in the works of St. Thomas. While it makes no reference to the question of law, the article shows the position occupied by Plato in the intellectual context into which St. Thomas moved, and the rapidity of the transition to Aristotle. One may regret that the sources of certain critical texts quoted are not given and that the completion of certain works (v.g. the Commentary on the *Politics*) by persons other than St. Thomas, is not apparently sufficiently adverted to.

whose position in regard to the tract on Law in the *Summa Theologiae* will be referred to later. Another line of indirect influence can be traced through the eclectic Cicero⁴¹ and thence both directly, and indirectly through St. Ambrose of Milan,⁴² to St. Thomas Aquinas. But the finer line, which is concerned precisely with the natural law and the order of its precepts if it exists, is now obscure and almost impossible to determine. On the one hand, the Platonic doctrines in the Fathers had already been received into a new and transforming Christian perspective and on the other, much of the work of Cicero and some, if little, of that of Plato was available directly to St. Thomas.⁴³

The line of *direct* influence is likely to be quite insignificant if it exists at all. While admitting the genius of Plato, St. Thomas is fully aware of defects both in methodology⁴⁴ and in doctrine, and this in particular reference to the nature of the soul. The essential duality of human nature, proposed by Plato excludes *a priori* any notable influence in the concept of natural law in the *Summa*.

It must also be remembered that it is not known to what extent the works of Plato which are significant in the question of natural law (notably the *Republic*) were available to St. Thomas. Research into this point appears to remain inconclusive, despite the appeal sometimes made to the Commentary on the *Politics* where St. Thomas appears to admit his lack of adequate sources for Platonic doctrine.⁴⁵ The part of the

⁴¹ For influence of Plato in Cicero, cf. E. Costa, *Cicerone Giureconsulto* (Nuova Ed. Nicola Zanichelli: Bologna, 1927), p. 16 f.

⁴² The body of Ciceronic legal doctrine is preserved in and transmitted through St. Ambrose, and the contribution of the latter to the *Summa* will be noted later.

⁴³ It has been claimed that St. Thomas' textual knowledge of Plato was in fact limited to the *Timaeus* and a few passages of the *Phaedo*. cf. N. Halligan, O.P., "Patristic Schools in the 'Summa,'" *THE THOMIST*, VII (Oct. 1944), p. 527. No detailed proof is given.

⁴⁴ "Plato habuit malum modum docendi. Omnia enim figurate dicit et per symbola docet, intendens aliud per verba quam sonent ipsa verba, sicut quod dixit animam esse circulum." *I de Anima*, I, viii (No. 107 in Ed. 3a Pirotta).

⁴⁵ "D'après quelques mentions éparses, Ritter avait conjecturé que saint Thomas possédait la "République" et les "Lois," mais cette supposition est contredite par

Commentary in which the relevant statement appears is, however, written by Peter of Auvergne, and not by St. Thomas himself.

The position of Plato in regard to the relevant section of the *Summa Theologiae* may be summarized, therefore, in the following citation from St. Albert the Great. The citation is interesting in its indication both of the general importance of Plato as late as the master of the Angelic Doctor—and of the principal reason *a priori* for Plato's lack of direct influence in the question of natural law: "Considering the soul as it is in itself, we agree with Plato, but considering it as it is the principle of animation which it gives the body, we agree with Aristotle."⁴⁸

Aristotle.

It will now be convenient to attempt the assessment of the direct personal contribution of Aristotle to the concept of natural law and its constitution; to indicate what is potential in his thought in this regard and later actualized by St. Thomas Aquinas in the *Summa Theologiae*; and finally to indicate the reasons for the comparative lack of influence of the Stagirite on the emergence of the idea of natural law into Roman law. For St. Thomas he provides an instrument, a methodology and

le témoignage formel que voici: 'Opinio Platonis de corruptione rerum publicarum non est bene cognita a nobis, tum quia ad nos non venit per libros ejusdem, nec expositorum ejus, tum quia dicta Aristotelis de ea obscura sunt valde propter brevitatem ipsorum.' Huit, *art. cit.*, *Revue Thomiste*, p. 742. This citation (the source of which is not given in the article cited), is from the Commentary *In Libros Politicorum Aristotelis*, Lib. V, Lect. XIII (Ed. Spiazzi, 1951), No. 993, p. 305 and is specifically concerned with the *Republic*. The text is in fact that of Peter of Auvergne, the commentary of St. Thomas ceasing with Lib. III, Lect. VI (No. 398) inclusive. (Cf. A. Walz, O. P., *San Tommaso d'Aquino*, [Ed. Liturgiche: Rome, 1945], p. 207). Consequently, while the argument from the text is strong, Peter of Auvergne being referred to as "discepolo attaccatissimo" and "fidelissimus discipulus" (cf. Walz, *op. cit.*, pp. 151-152, 192) it is not that of St. Thomas, and so, scientifically inconclusive.

⁴⁸ "... animam considerando secundum se, consentiemus Platoni: considerando autem eam secundum formam animationis quam dat corpori, consentiemus Aristoteli," in *II P. Summae Theologiae*. Tract. XII, Q. 69, Memb. 2, Art. 2 ad 2. *Opera Omnia* (Borgnet: Paris, 1895), Vol. 33, p. 16.

a body of research which is very largely received into the *Summa* to be transcended there.⁴⁷

The direct personal and formal contribution of Aristotle to the concept is not very considerable, the two principal and explicit references appearing in the *Nicomachean Ethics*⁴⁸ and the *Rhetoric*.⁴⁹

In the *Ethics* the distinction between what is "natural" and what is "conventional" already appears in the pre-Socratics,⁵⁰ and the commentary of St. Thomas⁵¹ is given largely to the reconciliation of Aristotelian terminology with that of the Jurists, concluding in this regard that what Aristotle understands by the "*iustum naturale*" includes both the "*ius naturale*" and the "*ius gentium*" of the Jurists.⁵²

In the *Rhetoric* he draws from the *Antigone* of Sophocles and from Empedocles, concluding to an innate natural justice whose dictates are superior to the edicts of positive law—and this both in the urgency and intransigence of their demands, and in their permanence.

While the text from the *Ethics* is notable for its restatement

⁴⁷ "Toute la raison grecque, celle d'Aristote et celle de Plotin, est ici assumée en terre chrétienne, non certes au titre d'objet, ni de lumière—car de ces beaux fruits du savoir théologique la matière, et la sève surtout, demeurent intimement chrétiennes—, mais comme instrument, simple instrument, authentiquement qualifié cependant par la cohérence de la nature et de la grâce." Chenu, *op. cit.*, pp. 266, 267; cf. also E. Gilson, *L'Esprit de la Philosophie Médiévale* (Vrin: Paris, 1948), particularly Chap. XVI, "Loi et Moralité Chrétienne," p. 304 f. and N. Halligan, O.P., "Patristic Schools in the 'Summa,'" *art. cit.*, particularly p. 527 f.

⁴⁸ "Of political justice, part is natural, part legal,—natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent but when it is laid down is not indifferent. . . . It is evident which sort of thing, among things capable of being otherwise, is by nature, and which is not but is legal and conventional, assuming that both are equally changeable. And in all other things the same distinction will apply; by nature the right hand is stronger, yet it is possible that all men should come to be ambidextrous." *Nicomachean Ethics*, 1134 b 18 and b. 30. Cf. *The Works of Aristotle translated into English* (Ed. W. D. Ross: Oxford, 1925), Vol. IX.

⁴⁹ This text is cited in Note 15 above.

⁵⁰ Cf. Appendix II, Texts 5 (a) and 7.

⁵¹ Lib. V, Cap. X, Lect. XII, Ed. Spiazzi, Nos. 1016 f., p. 279 f.

⁵² *Loc. cit.*, No. 1019, p. 280.

of the distinction of conventional from natural law, that from the latter work asserts rather the intrinsic or innate character of the law of nature with the suggestion of immutability.

When, however, we consider the structural elements of Article 2 of Question 94, the real contribution of Aristotle becomes much more apparent. The article stands at a central point from which lines of reference radiate to a wide variety of the works of the Stagirite, v. g.:

1. The principles of evidence underlying the formula "*propositiones per se notae*, etc.," have their roots in the *Analytica Posteriora* ⁵³ and the *Physics* ⁵⁴ and find only their refinement in Boethius ⁵⁵ who is cited in the article.

2. The concept of being as the object of the intellect draws on the *Metaphysics*.⁵⁶

3. The cardinal dictum, "*Bonum est quod omnia appetunt*" appears in a highly developed form in the *Nicomachean Ethics*.⁵⁷

4. The penetration and elaboration of the concept of order appears first in the *Metaphysics* ⁵⁸ and later in the *Nicomachean Ethics*.⁵⁹

While we have not here exhausted the sources, it is possible to realize more fully the diversity of aspects under which Aristotle is integrated and concentrated in the article of St. Thomas.

It seems to us that one of the most important if rather implicit influences of Aristotle in St. Thomas' conception of natural law is the reference in the *Nicomachean Ethics* ⁶⁰ to a certain participation enjoyed by the concupiscible appetite in

⁵³ No. 71b 34.

⁵⁴ No. 193 a 5. Cf. also *Metaphysics*, No. 1005b 11-12.

⁵⁵ Although the commentary on the cited *De Hebdomadibus* (1257-1258) was composed ten years before that on the *Physics* (1267-1268), Boethius is himself in the Aristotelian tradition, at least as a commentator.

⁵⁶ No. 1027b 25.

⁵⁷ No. 1094a 1-2.

⁵⁸ Nos. 982a 16; 1075a 11.

⁵⁹ No. 1094a 1.

⁶⁰ Lib. I, Cap. XIII, No. 1102b 30, St. Thomas, Lect. XX, *ed. cit.*, Nos. 237-241, pp. 64-65.

reason. When it is recalled that for Aristotle reproduction is ascribed to the same minimal faculty as nutrition⁶¹ and that these for St. Thomas comprise the second and third elementary urges, it is possible to see in this concept of "participation" the source of the unity of human nature and consequently of what may be termed the "continuity" of natural law. The law is "continuous" in the sense that it extends from reason throughout the whole of the intrinsic operative principles of human nature. Such a conception is impossible in a dualistic conception of the nature of man adopted, v.g., by Plato. It has, too, important consequences in the understanding of St. Thomas' ultimate acceptance of the definition of natural law ascribed to Ulpian, which founds natural law on that which is common to animals and men. The "community" of these instincts thus becomes in fact principally a community of appearances, "*cum fundamento in re*."

The more remote and general influence of Aristotle lies particularly in his scientific method and in his metaphysical conceptions. Both are recognizable in the *Prima Secundae*, and have a direct bearing on the structure of the article in question. To the methodology⁶² both the total consistency of the *Summa Theologiae* and the perfection of the tract on law owe much. It is useful to insist on this point in evaluating the contribution of St. Thomas to the philosophy of law. We shall see that most of the individual conceptions of which it is comprised are already contained in his predecessors. The great contribution

⁶¹ "Reproduction is ascribed by Aristotle to the same faculty as nutrition: and the full name of the primary or minimal faculty of the soul is 'the faculty of nutrition and reproduction.'" W. D. Ross, *Aristotle*, 2nd ed. (London, 1930), p. 136.

⁶² "Et inde est quod philosophorum intentio ad hoc principaliter erat, ut per omnia quae in rebus considerabant ad cognitionem primarum causarum pervenirent. Unde scientiam de primis causis ultimo ordinabant, cuius considerationi ultimum tempus suae vitae deputerent. Primo . . . incipientes a logica, quae modum scientiarum tradit. Secundo procedentes ad mathematicam: . . . Terito ad naturalem philosophiam. . . . Quarto ad moralem philosophiam: cuius juvenis esse conveniens auditor non potest. Ultimo . . . scientiae divinae insistebant quae considerat primas entium causas." Opusc. de Causis, lect. 1. *Opuscula Omnia*, Tom. 1, Ed. P. Mandonnet 1927, p. 195.

of the Angelic Doctor is one of integration and order—from which the concept of natural law emerges with a new and clear inner coherence and a scientifically established position within a perfect theological system.⁶³ This integration owes much to Aristotle.

The importance of the metaphysical conceptions of the latter can scarcely be overestimated—they permeate the whole of his thought and no particular point in his doctrine can be fully understood without reference to them. "All the lines of (his) philosophy run together in his metaphysics, while it, on the other hand, stretches out into all other disciplines. It expresses his ultimate philosophical purposes and every study of the details of his doctrine that does not start from this central organ, *must miss the main point*."⁶⁴ One of the principal contributions of Aristotle in metaphysics is that of substance, in which is resolved the dilemma of Parmenides and Heracleitus—the notions of "real being—in potency," of "act," "potency" and "becoming." The doctrine of the "good," for instance, of paramount importance in the notion of ethics generally, and ultimately in the *Prima Secundae*, depends for its understanding upon this doctrine of substance.⁶⁵

⁶³ "Summarising, we may say, that the lego-philosophical tradition from St. Augustine to St. Thomas Aquinas, so far as its basic substance is concerned, essentially moves along those lines which were laid down authoritatively by St. Augustine. Many conceptual definitions and distinctions were borrowed from Roman Law. . . . Towards the end of this development references to Aristotle seem to appear more and more frequently, a phenomenon which must not be taken too seriously, however, for the majority of the quotations from the works of Aristotle are merely ornamental. St. Augustine remains the only true and unchallenged authority, that one universal source and inspiration which gives form and substance to this particular period." A. H. Chroust, "The Philosophy of Law from St. Augustine to St. Thomas Aquinas," *The New Scholasticism*, XX (Jan. 1946), 71. The author proceeds to admit that what is still lacking is order and balance, and the consistent incorporation into a philosophical and theological system. This was part of the achievement of St. Thomas.

⁶⁴ Jaeger, *op. cit.*, p. 376 (emphasis mine). Cf. also H. A. Rommen, *The State in Catholic Thought* (Herder, 1947), p. 158.

⁶⁵ "The comparative neglect of this theory (of the Good) in general philosophical circles is partly due to the fact that while everyone reads Aristotle's *Ethics*, his much more difficult *Physics* and *Metaphysics* receive less attention. This neglect

It may be said, therefore, that while the *direct* personal contribution of Aristotle to the notion of natural law and the order of its precepts is not very considerable, his *indirect* influence is of very great importance and is implicit both in Article 2 of Question 94 and in the position which the whole tract occupies in the theological structure of the *Summa Theologiae*. The full significance of Aristotle remained potential, however, until its definitive reception into Western Christian thought and its full actual actualization in the high Scholastic period.

The historical period immediately succeeding Aristotle was, however, one in which the speculative genius of the Greek tradition was submerged in the growth of an Empire, where the major preoccupation was administrative and essentially practical. The consequent reduction of philosophy to ethics and the inversion of the limited and highly aristocratic Aristotelian concept of society, created an atmosphere in which the possibilities and promise of the Hellenic tradition remained largely latent and unrealized.

The Stoics.

From the point of view of the emergence and development of natural law into Roman law the Stoic school provides a principal nexus between Greek philosophy and Roman jurisprudence. While the extent of the influence of this school on the body of Roman jurists is disputed,⁶⁶ the doctrine of the

has another cause also, in that this theory presupposes Aristotle's doctrine of substance, than which no philosophical doctrine has surely been more misunderstood, or more ignorantly criticised. It is important, however, to remember that no one is likely to find Aristotle's ethical doctrine clear unless he has correctly grasped the notion of substance." D. J. B. Hawkins, "Nature as the Ethical Norm," *Aquinas Paper* No. 16 (Blackfriars Publications, 1951), p. 9.

⁶⁶ This influence is acknowledged by A. J. Carlyle; cf. R. W. & A. J. Carlyle, *A History of Mediaeval Political Theory in the West*, Vol. I (Blackwood: London, 1903) and following p. 34. This work is highly and justly recommended by Dom Lottin, *Le Droit Naturel* etc., p. 4, but on two points of relevance in this context, viz. the origins of the tripartite division of law attributed to Cicero and those of the definition of natural law attributed to Ulpian, the full reasons for the position adopted are not given.

school was such as to commend itself to the Rome of its time, and the concept of the virtuous life lived in accord with nature, where nature is conceived as dominated by reason, found a responsive chord in the Roman sense of duty. There seems to be no doubt of the importance of the school in the work of both Cicero and Caius.⁶⁷

The Stoic era in the period of its greatest influence in Rome precedes the early classical period of law, receiving its definitive formulation as early as Chrysippus. The doctrine is notable for two factors significant in relation to the concept of natural law. The first of these is the neglect of metaphysics and the reduction of philosophy to ethics,⁶⁸ thus preparing for the eclecticism of Cicero and explaining in part the confusion which existed in the concept of natural law until the Scholastic period. The second factor, is the concept of the "*civitas maxima*"—in which the exclusive confines of the classical "*polis*" were destroyed and with them the distinction of "Greek" and "Barbarian." In the doctrine of the virtuous life lived in accordance with reason, the participation of human nature in reason is now conceived as universal and as admitting of no exception. This idea, a revival and reassertion in a much more favorable historical climate, of an idea much more ancient, is to be a dominant motif in the legal thought of Cicero⁶⁹ and involves a radical departure from the Aristotelian conception of the position of man in society.⁷⁰

Thus, the historical position of Stoicism and its reintroduction of ancient ideas into the developing juridical consciousness of

⁶⁷ Cf. Carlyle, *op. cit.*, p. 30 f.; cf. also Jolowicz, *op. cit.*, p. 75.

⁶⁸ This reduction received very clear expression in Seneca: "*Philosophia nihil aliud est quam recta vivendi ratio vel honeste vivendi scientia vel ars rectae vitae agenda. Non errabimus, si dixerimus philosophiam esse legem bene honesteque vivendi, et qui dixerit illam regulam vitae, suum ille nomen reddidit.*" Frag. 17, cited by Copleston, *op. cit.*, p. 394.

⁶⁹ V. g., *De Re Publica*, cf. Appendix IV, Text 8.

⁷⁰ "There is no conception which is more fundamental to the Aristotelian conception of society than the notion of the natural inequality of human nature." Carlyle, *op. cit.*, p. 7. The theory of natural slavery expressed in the *Politics* (No. 1255a 2) is denied in Stoic theory.

the new Roman society prepares the way for the Roman contribution to the idea of natural law—and incidentally for the notion of the Christian equality of all men.⁷¹

The Legal Factor.

(a) *The Independent Roman Line.*

The period of Greek influence in Roman law is generally calculated as beginning about 150 B. C.,⁷² fifty years, therefore, before the maturity of Cicero. It is in fact difficult to determine the extent of this influence even as early as the first codification in the Twelve Tables (451-450), since in the political turmoil which surrounded the formulation of this Code a deputation is alleged to have been sent to Greece for prior study of the laws of Solon obtaining there. In any case, Greek influence was already present in certain colonies in Southern Italy and in Sicily.⁷³ Accepting tentatively the given date, 150 B. C., it will be useful to consider what awareness existed, or what contribution, if any, was made to the concept of natural law before that time. For practical purposes the most convenient point of departure will be the division in 242 B. C. of the Praetorship into that with competence in urban affairs—the “*Praetor Urbanus*,” and that with control over the affairs of foreigners—the competency of the “*Praetor Peregrinus*.”

This division of function was designed not to meet a foreseen need but to cope with a fully developed fact, so that the idea, if not name, of the “*ius gentium*” was already present and operative before 242 B. C.⁷⁴ There is no question as yet of a

⁷¹ Romans 2:14 and 3:29.

⁷² Cf. Jolowicz, *op. cit.*, p. 102. For comparative dates in Roman legal history, cf. Table in Appendix III, *infra*.

⁷³ Cf. Jolowicz, *op. cit.*, pp. 11' and 108; and S. Perozzi, *Istituzioni di Diritto Romano* (Rome, 1928), Vol. I, p. 46 f. for the composition of this Code, the elements received from custom, and those from positive edict.

⁷⁴ Jolowicz, *op. cit.*, p. 102, cites Schönbauer, art. in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, xlix, p. 383-396 in support of the view that the phrase ‘*ius gentium*’ was first used in the earlier period of Roman expansion, about 200 B. C. and meaning at that time, a law evolving from custom—but in Rome, not among foreigners. Already it was regarded as comple-

triple division of law, i. e., the "*ius civile*" "*ius gentium*" and "*ius naturale*"—but of a complementary distinction of the first two. The "*ius civile*" is the common positive law obtaining for Romans, and in the beginning, for Romans alone; the "*ius gentium*," the freer and less formal legal usage obtaining at Rome for the appeals of foreigners, especially among themselves. The question of the formal origins and the detailed legal development of the "*ius gentium*" is both complex and obscure, and is of no direct interest in tracing an awareness of natural law and of its precepts. What is significant, however, is the fundament upon which this "*ius gentium*," as yet undistinguished from the "*ius naturale*," was in fact conceived. For the "*ius gentium*" was intended to cut through and simplify the very diverse foreign legal procedures and usages to which increasing appeal was made at Rome as the expanding Empire incorporated a greater number of formerly legally autonomous territories. It may be fair to say that what was sought was a workable "common denominator." Since this problem arose before the period of recognized Greek influence it will be of interest to know where that common ground was found, for here, if anywhere, the independent Roman conception of a natural law will be apparent.

Opinion on the point is divided. It has been held that the "*ius gentium*" was in fact a loose system by which the foreigner could appeal at Rome to the usages and laws obtaining in his own country—or again, that the Roman jurists developed a simplified system which incorporated those usages which were more or less common to the legal systems of all the colonies.⁷⁵ An opinion, however, which appears to have greater authentication and to follow from more recent study, is that which founds the "*ius gentium*" on the idea of the "*naturalis ratio*,"⁷⁶

mentary to the formal civil law. The idea expressed by the term obviously existed before formulation.

⁷⁵ For a considerable literature on this point, cf. v. g., Costa, *op. cit.*, p. 10 f., Carlyle, *op. cit.*, Chap. I, Jolowicz, *op. cit.*, p. 102 f. and Perozzi, *op. cit.*, p. 91 f.

⁷⁶ Cf. Perozzi, *op. cit.*, p. 93 f. for explanation of other opinions and p. 95 for preference for the "*naturalis ratio*."

where the latter is conceived as the "more common postulates of the juridical conscience of man."⁷⁷

A recent study⁷⁸ confirms this view and allows some penetration of the substratum of the "*naturalis ratio*" or "juridical conscience." From the works of the poets and writers of the Republican period, notably Plautus and Terence, it is clear that already in their time there existed a recognized distinction between that order which is more formally juridical, and the moral order—between the "*lex*" and the "*mores*," the latter being made up of those moral and intellectual instincts which comprise the practical wisdom of a people. This wisdom is basically a recognition of the natural moral order, and when there is added a series of derived precepts or norms, varying according to geographical, economic, and other local conditions, and according to cultural evolution, there is formed what Savigny was later to term the "spirit of the people." This formula is the expression, we believe, of what is more precisely the natural law as received and elaborated in any particular society. It provides, in turn, a criterion more profound and more ultimate than any artificial and formally legal structure which may subsequently be built around it. It is from this substratum that the "*ius gentium*" derives, becoming explicit in the jurisdiction of the Praetor Peregrinus.

The concept of natural law is, therefore, implicit very early in Roman legal consciousness, becoming more and more explicit under the pressure of historical circumstances, and in the form of the "*ius gentium*." In seeking, however, for an *independent* and *express* Roman contribution to the doctrine, the appeal to the poets of the Republic is open to serious objection. Both Plautus and Terence are under Greek influence⁷⁹ and it is

⁷⁷ "Per spiegare poi come si verificasse l'universale valore del diritto delle genti, dissero che ciò dipendeva dal fondarsi esso sulla 'naturalis ratio,' dal suo corrispondere cioè ai postulati più comuni della coscienza giuridica dell'uomo," Perozzi, *op. cit.*, p. 94.

⁷⁸ S. Riccobono, "Il Problema Attuale più Arduo della Storia del Diritto Romano," *Responsabilità del Sapere*, Anno VII, vol. XXXIII-IV (Maggio-Agosto, 1953), esp. p. 184 f.

⁷⁹ Cf. Jolowicz, *op. cit.*, p. 195, note 1.

difficult to determine how much of their work is native, and how much the application of Greek terms and expression to unreflective Roman practice.

Consequently, we are led to conclude that independent Roman juridical thought before Cicero has made no significant contribution to the terms and concepts which St. Thomas is later to employ in the *Summa Theologiae*. We may, perhaps, except the practical recognition of the "*ius gentium*," which, however, was only later to receive theoretical justification, and that under Greek influence. It seems also that while the period in which this latter influence was considerable and general may begin about 150 B. C., in respect of the development of the "*ius gentium*" it must be acknowledged to have entered much earlier.

(b) *The Graeco-Roman Line (or Period of Convergence)*

(i) *Cicero.*

With Cicero, however, there is attained a point of full convergence in the history of Greek philosophy and of Roman jurisprudence. In philosophy an eclectic, Cicero draws on concepts either already formulated in Plato and Aristotle, or current among the Stoics and in the new Academy, modifying and remoulding the whole according to the exigencies of the Roman aversion to abstract thought, and the dominant passions of his age.⁸⁰ From the legal standpoint he is one of the most important direct sources for a knowledge of the pre-classical period of law.⁸¹ As Carlyle observes, he expresses what was

⁸⁰ Cf. Costa, *op. cit.*, p. 16. A representative selection of extracts from the works of Cicero relevant to natural law and its precepts, is given in Appendix IV infra.

⁸¹ "Chief among these (sources) must be reckoned the works of Cicero. Many of the speeches were actually delivered before the courts, though mostly in criminal cases, and thus necessarily contain much legal material, but the philosophical writings are also of great importance. The 'Republic' and the 'Laws,' though professedly descriptive of the ideal state, are to a considerable extent based on idealisations of actual Roman practice and they, as well as the other works, contain many legal anecdotes. Even the letters often refer to legal matters, especially, of course, to Cicero's private affairs." Jolowicz, *op. cit.*, p. 195.

generally current in his time.⁸² While lacking any great originality of mind, his importance as a source and in the synthetic presentation which he provides of contemporary thought should not be underestimated. His work continues, for instance, in Lactantius and in St. Ambrose, and through the latter had considerable influence on subsequent legal theory in the West.⁸³ Frequent citations from eight of his works appear in the *Summa contra Gentes* and the *Summa Theologiae*.⁸⁴

When we speak, therefore, of the "contribution" of Cicero to the doctrine of natural law, we refer to concepts and formulas expressed in his works, irrespective of the actual origins of their elements, and we believe that he must be credited with this, if with no other originality, that he is the first to provide a coherent system in which the elements of various current philosophical doctrines are seen in relation to the legal practice (even if somewhat idealized) of an era which was to provide a permanent source and criterion for all subsequent legal institutions.

The representative texts cited in Appendix IV are in general clear and self-explanatory, and indicate something of the extent to which Cicero was preoccupied with the philosophy of law. The definition proposed in the very early "*De Inventione*"⁸⁵ is cited by St. Thomas⁸⁶ as a classical and valid description of one of the three modes under which the natural law can be considered. It insists on the intrinsic or innate character of the law, i. e., its incorporation into the very nature of things, and

⁸² *Op. cit.*, pp. 4-5.

⁸³ The *De Officiis Ministrorum*, v. g., written in 386, is modeled closely on the *De Officiis* of Cicero, both in arrangement and content. Cf. Chroust, *art. cit.*, *The New Scholasticism*, XX (Jan. 1946), p. 30.

⁸⁴ The citations in these two works are from the *De Arte Rhetorica*, the *Rhetorica*, the *Rhetorica seu De Inventione Rhetorica*, the *Topica*, the *Tusculanae Disputationes*, the *De Natura Deorum*, the *De Divinatione*, the *De Officiis* and the *Paradoxa ad M. Brutum*. Only three references are made to these works in questions 90-97 of the *Prima Secundae*, and are from the *Rhetorica* and the *De Officiis*. Cf. *Opera Omnia*, Ed. Leonina, vol. XVI, Indices in Tom. IV-XV, p. 207.

⁸⁵ Appendix IV. Text 1. All future references to texts in this section are to Appendix IV unless otherwise stated.

⁸⁶ *IV Sent. d. 33, q. 1, a. 1, ad 4.*

suggests a series of precepts. These precepts are, however, rather a selection of general examples than an ordered hierarchy, and they reflect distinctly Cicero's sensitivity to the received norms of the ethics of his day.⁸⁷ The "*De Natura Deorum*"⁸⁸ asserts the "naturalness" of the law of reason from the universality of the faculty, and suggests as the first principle of the law, the prescription of right and the avoidance of evil,⁸⁹ the only true good being the "*bonum honestum*."⁹⁰

In later works the fundament of the law is seen as the "*recta ratio*," and its first principles are stated with greater precision and in formulas which will be familiar in later writers. The principle "*bonum est faciendum, malum vitandum*" is very closely approximated⁹¹ but its formulation in those precise terms is impeded, as will be seen, by the influence of Chrysippus. The law is conceived as consonant with human nature, participated in all men, of divine origin, immutable, requiring no interpreter other than nature itself correctly understood, and admits of no essential distinction of master and slave nor of any variation by positive law.⁹² It is ordained to the good of society⁹³ and carries with it an inevitable sanction⁹⁴ which will follow even in defect of that reinforcement which positive law should in fact provide.⁹⁵

In the *De Officiis*⁹⁶ Cicero approximates rather closely to the

⁸⁷ Texts 1, 7, 15.

⁸⁸ Text 3.

⁸⁹ It should be noted that the "*rectum*" and the "*pravum*" are considerably more limited in connotation than the "*bonum*" and "*malum*" of the first principles in the developed doctrine in the *Summa*. Cicero has made insufficient use here of the rich Aristotelian dictum in the *Ethics*—"Bonum est quod omnia appetunt."

⁹⁰ Text 5.

⁹¹ Texts 8, 9, 10, 12.

⁹² Texts 3, 8, 9, 10, 14.

⁹³ Text 7, 13, 14. "'Jus naturale' o 'lex naturae' è l'insieme delle norme pre-costituite nella forza stessa delle cose, a regolare i rapporti degli uomini fra loro, indipendentemente dalla loro appartenenza all'una o all'altra aggregazione politica; e a regolare insieme i rapporti degli uomini colla divinità." Costa, *op. cit.*, p. 17.

⁹⁴ Text 8.

⁹⁵ Text 14.

⁹⁶ Text 12.

order of precepts which St. Thomas will ultimately stabilize in the *Prima Secundae*, i. e., an order of innate rational, biological and sexual tendencies towards objects concordant with nature, in the acquisition of what is necessary, and the exclusion of what is inimical to life; and in procreation and the care of the procreated.

Thus the complex of elements which will be reduced to order and incorporated into the system of the *Prima Secundae* are already present, sometimes with striking resemblance to the definitive form they will subsequently assume there.

Two points of detail remain to be considered. First, what is it in Cicero which causes St. Thomas to prefer the definition of natural law attributed to Ulpian?⁹⁷ Secondly, can a definite and formulated distinction between "*ius gentium*" and "*ius naturale*" be attributed to Cicero?

To understand the preference of St. Thomas for a definition which asserts a community of nature between man and animal at the biological and sensitive levels, it is necessary to recall the substantial unity of human nature and the essential unity of its animating principle. For Aristotle and for St. Thomas there is generic identity between rational and irrational nature. For Cicero, this would also be true,⁹⁸ but the legal preoccupation of his time causes a confusion of the "*lex*" and the "*ius*," where "*lex*" is conceived in a peculiarly juridical context. Consequently, while later thought in this matter will see the universal character of "*lex*," and will understand "*lex*" as founding a "*ius*" limited to human rational beings alone, for Cicero, since "*ius*" does not extend to animals, "*lex*" too, is likewise limited. There is no "*lex*" where there is no "*ius*," and a limitation is therefore imposed upon the generic univer-

⁹⁷ The question of the authenticity of this definition is considered later in section (iii) of this article.

⁹⁸ " (Some authorities note) una corrispondenza fra il concetto ulpiano del '*ius naturale*' e le dottrine filosofiche di Cicerone, che ravvisano la commune partecipazione al '*sensus*' et al '*appetitus*' degli uomini e degli animali. Ma Cicerone, pur riconoscendo il rapporto esistenti tra la fisica costituzione dell'uomo e quella degli animali, nega che ne discenda una partecipazione di questi al '*ius*.'" Costa, *op. cit.*, p. 18, note 4.

salinity of natural law, which is seen as applying to the rational species alone.

This position would appear to have been adopted in reaction against the contrary opinion which would acknowledge the universality of a law of nature, and argue to the consequent universality of right. Cicero, therefore, asserts the limitation of natural law because of the known limitation of legal right to human beings, in opposition to the view which would assert the generic universality of right because of the known universality of the natural law.

The latter school, recognizing a common condition of nature among all animated things, and claiming for them the common participation in a right constituted by nature itself,⁹⁹ is represented in Pythagoras and Empedocles. Following the Stoic school, and in particular Chrysippus, in the latter's affirmation of the supremacy of man and the ordination of all other things to man, alone participating in right, Cicero acknowledges that the Pythagorean view is held by "great and learned men," but concludes nonetheless that only rational beings participate in right and law.¹⁰⁰ Only the later clarification of the generic universality of law, and the specific limitation of right, will permit the ultimate harmony of the truths latent in both positions.

Because of this limitation in the Ciceronian definition of natural law, St. Thomas prefers the concept attributed to Ulpian, which has its roots in the Pythagorean theory rejected by Cicero, a theory which coexisted nonetheless alongside Stoic thought into the following century. Both conceptions stress the innate character of the law, but the latter permits a generic continuity which is much closer to St. Thomas' understanding of human nature and the position which that nature occupies in the order of created things.

It seems probable, however, that the more immediate cause for preference for the definition attributed to Ulpian is found in

⁹⁹ Cf. Costa, *op. cit.*, p. 18.

¹⁰⁰ Text 4.

the problem arising in the *IV Sentences*.¹⁰¹ The definition preferred preserves the integrity of the natural law in its primary precepts, and permits the proof that the divine permission of polygamy in certain historical circumstances in fact respects the law in its essentials, but for special reasons allows temporary variation in its secondary precepts.¹⁰² This harmony between divine positive law and that participation of eternal law which is the natural law would be more difficult to sustain if the definition of Cicero were alone adopted. As St. Thomas shows in the article cited from the *Sentences*, polygamy is contrary to natural law as conceived by Cicero, but not against that law as defined in the preferred formula.

Nor is this a mere opportune device to evade a difficulty; it is rather the fruitful penetration of the lesser known in the light of facts certainly known. The known factors are the revelation of the historical divine sanction of temporary polygamy, and the absolute integrity of the Eternal law, which is ultimately Divine Wisdom itself, of which natural law is a participation. Consequently, the selection of one definition is not designed to *evade* a difficulty, but the difficulty in a sense causes, and is *resolved* by, the selection of a more adequate definition.

The question of the origin of the triple division of law, "*ius civile*," "*ius gentium*," and "*ius naturale*" is of sufficient indirect relevance in the question of the sources of the precepts of natural law to justify some consideration. Two principal positions have been adopted on the point, one asserting that the distinction is known to Cicero,¹⁰³ the other that it is a post-classical Byzantine accretion of the Justinian era, about 600 years later.¹⁰⁴

The adherents of the first position claim that an unprejudiced

¹⁰¹ *IV Sent.*, d. 33, q. 1, a. 1 ad 4.

¹⁰² *IV Sent.*, d. 33, q. 1, a. 2, corp. and I-II, q. 94, a. 5 corp.

¹⁰³ Cf. Costa, *op. cit.*, p. 25 f. and Lottin, *op. cit.*, p. 8 who cites Cathrein, *Recht, Naturrecht und positives Recht* (Freiburg i. B., 1909), pp. 192-193 as showing that the division is already found in Cicero.

¹⁰⁴ Cf. Jolowicz, *op. cit.*, p. 102 f. and especially Perozzi, *op. cit.*, p. 93 f. Lottin, *op. cit.*, p. 7-8, appears to trace the division through Ulpian to Gaius.

reading of his works will show that in many places the concept of the "*ius gentium*" is fixed by Cicero somewhere between a "*ius civile*" and a "*ius naturale*." Thus in the *De Officiis* "*ius gentium*" can have no other sense than that complex of norms common to the positive laws of a number of peoples ("*di più popoli*")¹⁰⁵ and is thus coincident with the "*ius civile*" in this common part, although not exhausted in it.¹⁰⁶ In the *Re Publica*, however, the "*ius gentium*" is conceived as forming an external complementary addition to the "*ius civile*" the whole being modeled on the ethical substratum of the "*ius naturale*" and on those precepts ascribed to the latter by the philosophers. Finally, in the *De Oratore* the "*ius gentium*" appears as the body of norms which is common to the positive statutes of a number of peoples, being thus opposed to the "*ius civile*," comprising for its part only those laws proper to one given "*civitas*"; and to the "*ius naturale*" founded on the "*naturalis ratio*" and common to all men.¹⁰⁷

The difficulty in this opinion lies in Cicero's definite limitation of the participation of "*ius*" to human beings, and the apparent identification of "*ius*" with "*lex*." While he would admit common biological and sexual urges implanted by nature in all living beings,¹⁰⁸ his peculiarly juridical concept of "*lex*" precludes its extension beyond rational beings. This would seem to be confirmed by the type of precept listed after the classical definition in the *De Inventione*.¹⁰⁹ Consequently, it

¹⁰⁵ Cf. Costa, *op. cit.*, p. 25, note 6, and Text 14.

¹⁰⁶ "Cicero . . . identifies the law of Nature with the '*ius gentium*' in the sense of law common to all peoples, and draws the inference that what is part of the '*ius gentium*' should also be part of the '*ius civile*,' i.e. of the law of each particular state, although what is '*ius civile*' is not necessarily '*ius gentium*,' for, as in Aristotle's view, there are matters on which nature is indifferent and each community can lay down rules for itself." Jolowicz, *op. cit.*, p. 104. (Cf. *IV Sent.*, d. 33, q. 1, a. 2 ad 1.)

¹⁰⁷ This argument and a mere exegetical proof based principally on Text 14 are given fully by Costa, *op. cit.*, p. 18 f. The principal texts involved are from the *De Officiis*, Lib. III, Cap. 5, 23 (Vol. 4, p. 96) and from the *De Haruspicio Responso Oratio*, Cap. 14, 32 (Vol. II, 2, p. 527—Teubner).

¹⁰⁸ Text 12.

¹⁰⁹ Text 1.

appears that Cicero's statement in the *De Natura Deorum*¹¹⁰ that law and right are exclusive to rational beings, is to be taken as it stands.

The second position, relegating the triple division to the post-classical period, appears to be the more common and the more convincing.¹¹¹ In this view, Cicero would identify the "*ius gentium*" and the "*ius naturale*," an opinion which appears to be substantiated by his explicit opposition to Pythagoras and Empedocles in the matter.

While it is difficult to reach any definitive conclusion, it seems more likely that while the elements of an adequate distinction between the three aspects of law are present in Cicero, his writings do not in fact adequately formulate that distinction.

Nor can it reasonably be objected that all this argumentation is in fact concerned with the appearance of the triple distinction as a juridical phenomenon, whereas what should be sought is the presence in Cicero of such a distinction on philosophical grounds, and that while the distinction does not appear in a legal code until later, its philosophical origins should be attributed to Cicero. In the first place, the Romans did not fully succeed in distinguishing law from the more philosophical science of ethics;¹¹² again, the source of the definition preferred in St. Thomas are themselves of juridical origin; and finally, the elements of the distinction on philosophical grounds are present much earlier than Cicero, in Pythagorean theory and especially in Democritus of Abdera.¹¹³

We may conclude, therefore, that the notable place occupied by Cicero in the development of the concept of natural law and the formulation of its precepts is deserved, not so much for any originality, but because of his lucid expression of the thought current at a time critical in the history of philosophy and particularly in the history of law. St. Thomas cites his works frequently and respects his definition of the law, but, for the

¹¹⁰ Text 4.

¹¹¹ Cf. Perozzi, *op. cit.*, p. 93 f.

¹¹² Cf. Jolowicz, *op. cit.*, p. 104.

¹¹³ Cf. Appendix IV, Text 6, and Appendix II, Texts 6 (b) (f) and especially (g).

reasons given, finds that it is not wholly adequate. In the distinction of a natural law from the "*ius gentium*," it seems doubtful that Cicero made any real progress; and if the natural law be taken in the sense which St. Thomas ultimately adopts it, the philosophical sources of the distinction are not to be found in Cicero, but much earlier, and their final legal formulation much later.

(ii) *Gaius*.

The elements of the doctrine of natural law as they will be integrated into the *Summa Theologiae* are implicit, and in large part explicit, (if still confused and disorganized) during the lifetime of Cicero, who is consequently placed at the head of the period of convergence. Two further early Jurists are, however, principal sources for the formulas and distinctions which St. Thomas will adopt and stabilize in the *Prima Secundae*; ¹¹⁴ and in the *Secunda Secundae*.¹¹⁵ These are Gaius, the compiler of the *Institutes* of the early classical period of law—and Ulpian, belonging to the close of the late classical period.

In the context of natural law and its precepts Gaius is important on three accounts: first, because of the favor in which he was held by the Justinian compilers; secondly, because of his possible distinction of "*ius naturale*" from "*ius gentium*"; and finally, because he is cited by St. Thomas in the *Secunda Secundae* ¹¹⁶ in the distinction and clarification of the "*ius gentium*," being thus of correlative importance in relation to the natural law against which the "*ius gentium*" is distinguished there.

The favor accorded Gaius by the Justinian commission appears to rest principally on the clarity of exposition and the synthetic character of his *Institutes* which had been used for centuries as a textbook for first-year students. Thus they form the basis of the *Institutes* of Justinian which had a some-

¹¹⁴ Cf. I-II q. 90, a. 1, obj. 3; q. 96, a. 5, obj. 3; 97, a. 2 corp. where Ulpian is cited.

¹¹⁵ Cf. II-II, q. 57, a. 3, obj. 1 and corp. where both Ulpian and Gaius are cited.

¹¹⁶ *Loc. cit.*

what similar purpose.¹¹⁷ Citations are also contained in the more difficult *Digest* of Justinian which is presumably St. Thomas' source for Gaius.¹¹⁸ What is of particular interest is the fact that the *Institutes* are the only fairly complete work of a classical jurist extant in its original form.¹¹⁹ The comparison is thus possible of an original text with the form taken by that text in the Justinian compilations, a principal source, and usually the only source for the classical jurists. The extent of the interpolations and variations can thus be measured in part. This, in turn, is of importance in the questions of the true original derivation of the triple division of law, of the distinction between "*ius gentium*" and "*ius naturale*," and of the definition of the latter attributed to Ulpian.¹²⁰

The question as to whether the triple division is to be attributed to Gaius has been disputed.¹²¹ The consensus of

¹¹⁷ Cf. Jolowicz, *op. cit.*, p. 398.

¹¹⁸ Cf. Lottin, *op. cit.*, p. 63, Note 2.

¹¹⁹ The manuscript was discovered in the Cathedral library at Verona in 1816 and recognized by Savigny as original and authentic. It is in the form of a palimpsest under some works of St. Jerome apparently belonging to the 5th century. "The importance of the discovery for the history of Roman law can hardly be overestimated, for it is the only one giving a work of a classical jurist in its original form which we possess. Only about a fifth of it is missing. . . ." Jolowicz, *op. cit.*, p. 398. For more recent discoveries and literature in this regard, cf. Jolowicz, *op. cit.*, p. xvi, and J. de Ghellinck, S.J., *Le Mouvement Théologique du XII^e Siècle*, 2me edit. (Desclée de Brouwer: Paris, 1948). p. 54, and especially p. 55, note 1.

¹²⁰ It is of interest that in all the citations made by St. Thomas from the jurists of the 1st to the 3rd centuries significant in this regard, and listed by Lottin (*op. cit.*, p. 63, n. 2), Gaius, cited in the *Prima Secundae*, q. 57 a. 3, obj. 1 and corp., is the only one cited by name. The normal practice of the Angelic Doctor is to cite the lawyers impersonally as *iurisconsultus* or *iurisperitus*, and to draw them from the *Digest* of Justinian. (Cf. N. Halligan, O.P., *Problema Auctoritatum in Summa Theologiae*, Washington, 1949, p. 36.) St. Thomas' critical sense has been adverted to (cf. Lottin, *loc. cit.*). If he was personally acquainted with the *Digest* he must have been aware of the probability of interpolations—is it possible that he cites Gaius nominally because the original was known to him? An exception must, however, be made in the case of Celsus, who is cited elsewhere nominally but could presumably have been known only through Justinian.

¹²¹ Perozzi, *op. cit.*, p. 91, n. 2 cites two opinions attributing the distinction to Gaius, but dismisses one as an "unlikely hypothesis" and considers the other to be "without a shadow of justification."

modern opinion, however, denies that the distinction exists in Gaius on the twofold negative ground that no trace of any opposition between "*ius gentium*" and "*ius naturale*" can be found in the texts which have survived,¹²² and that such a distinction would be wholly incompatible with the "*ius naturale*" as he conceives it.¹²³ Others¹²⁴ deny the attribution on the more positive ground that the distinction is in fact of Byzantine origin. Consequently it must be admitted that for Gaius both the "*ius gentium*" and the "*ius naturale*" are founded on the "*naturalis ratio*," and are identical. Modern research from the juridical standpoint has thus confirmed the accuracy with which St. Thomas employs the formula of Gaius in the *Secunda Secundae*.¹²⁵ It must also be admitted that the formula makes no real progress towards a clarification of the special precepts of the natural law as St. Thomas will understand that term.

(iii) *Ulpian*.

Domitius Ulpian, of Tyre, or of Tyrenian family, held among other offices that of chief legal advisor to the emperor Alexander Severus and is a name of consequence in legal history. His works indicate an intention to provide such a coverage of the whole field of law that direct references to previous authorities would be thereafter unnecessary. For this reason he is commonly regarded as a compiler and as lacking in originality.¹²⁶

¹²² As has been noted, these comprise about four-fifths of the *Institutes*.

¹²³ Cf. Carlyle, *op. cit.*, p. 38. Examples of variations and substitutions introduced into the *Digest* of Justinian are given by Carlyle, p. 73, and those given do not notably affect the tenor of the original.

¹²⁴ Cf. Perozzi, *op. cit.*, p. 91 f.

¹²⁵ II-II, q. 57, a. 3, corp.

¹²⁶ "His own citations are innumerable, and he is commonly regarded as lacking in originality, but, given his purpose, the charge seems to do less than justice to one whom Modestinus classes with Scaevola and Papinian among the "*coryphaei*," and who appears among the primary authorities in the 'Law of Citations.' In any case, the completeness and clarity of Ulpian's work caused the compilers of Justinian's *Digest* to use him more than any other writer, for about one third of the whole work consists of excerpts from his writings." Jolowicz, *op. cit.*, pp. 402-403.

St. Thomas cites Ulpian four times in the *Secunda Secundae* and twice in Question 57, article 3 of the *Secunda Secundae*,¹²⁷ having already adopted his definition in the Commentary on the *IV Sentences*.

The question has since arisen concerning the correct attribution of the triple division of private law to Ulpian and consequently, as to the authenticity of the definition of natural law ascribed to him. The point is obviously of some moment in the matter of the sources of that law and the determination of its elementary precepts. It is proposed, therefore, to outline two of the principal positions on this question.¹²⁸

The common opinion holds that the tripartite division of law, the distinction of "*jus gentium*" and "*ius naturale*," and the famous definition of the former, is due to Ulpian, or at least is "consecrated" in his works.¹²⁹ Since this is the common and traditional opinion, those who adopt it accept it on its tradi-

¹²⁷ Cf. Lottin, *op. cit.*, p. 63, note 2.

¹²⁸ The question is complex. A third opinion would hold that it is the *identification* of the *ius gentium* and the *ius naturale* which is due to Justinian. This opinion will not be considered. Cf. Jolowicz, p. 105, n. 9. Other opinions ascribing the distinction to Cicero and to Gaius have already been discussed.

¹²⁹ Among those holding this view are Dom Lottin: "Ulpian consacra, de son autorité, une division tripartite du droit en '*ius naturale*,' '*ius gentium*' et '*ius civile*.'" The term 'consecrates' suggests that Lottin considers that Ulpian is here giving his authority to a division already existing, presumably from Cicero; cf. *op. cit.*, p. 8 and note 1. The *Digest* is cited in proof of the Ulpian source. Carlyle adopts the common position: "There can be no reasonable doubt that Gaius in the middle of the 2nd century recognised no opposition between the '*ius naturale*' and the '*ius gentium*,' while Ulpian, at the end of the 2nd sharply distinguishes one from the other"; *op. cit.*, Vol. I, p. 36. Cf. also Carlyle, Vol. II, p. 28, "We must begin by observing that all medieval civilians whether of the school of Bologna or not, accept the tripartite division . . . it is stated or implied in every writer who deals with this aspect of law"—the source in Ulpian is also as commonly accepted. Cf. also Halligan, *op. cit.*, p. 33 where the common opinion is accepted without question. Among major critical scholastic writers we may mention Chenu, "Introduction . . .," p. 135, where the common view is simply adopted. It is perhaps of interest, however, that in a context in which it might reasonably be expected, Grabmann, gives no precise source of the definition, cf. *Mittelalterliches Geistesleben, Abhandlungen zur Geschichte der Scholastik und Mystik* (Hueber: München, 1926). V.g., pp. 68, 69, 78, where the definition is quoted and referred in general to Roman Law or legal tradition but not to Ulpian by name.

tional merit, the onus of proof to the contrary being legitimately assigned to the adherents of the contrary view.

The principal support of this traditional opinion lies in the incorporation of the definition and division into the *Digest* and the *Institutes* of Justinian, which is presumably the source from which St. Thomas drew them. Carlyle, v. g., is fully aware, as St. Thomas himself must have been, of the authority given by Justinian to his commission, to omit or alter at discretion¹³⁰ and cites examples of variations which have in fact been introduced.¹³¹ He considers, nonetheless, that his permission was not made use of to any great extent, at least as far as the theory of natural law is concerned.¹³²

The contrary opinion considers that the triple division is definitely of Byzantine (i. e., Justinian) origin.¹³³ The argument for this position assumes that if the concept of natural law attributed to Ulpian is not in fact held by that jurist, then it must be referred to the compilers of the Justinian codes where it is explicitly given. There seems to be no reasonable doubt of the validity of this conclusion, given proof of the premise. It is not in Gaius, and an opinion attributing it to Trypronius and Hermogenianus¹³⁴ does not appear tenable; consequently, if

¹³⁰ "Justinian warns in the Prefix to the *Digest*, that the compilers were on his authority empowered to omit or alter anything seeming to them unwise or erroneous in the ancient writers." Carlyle, *op. cit.*, Vol. I, p. 36. (References to Carlyle are, unless otherwise stated, to Volume One.)

¹³¹ *Op. cit.*, p. 76.

¹³² "We are able in a few cases, especially in that of Gaius, whose 'Institutes' have been preserved for us, to compare the original work of the great lawyers with the selections of the 'Digest'; and though . . . some changes seem to have been made, yet our impression is that the compilers of the 'Digest' did not avail themselves greatly of this authority to alter the selections which they made, at least on those matters with which we are here concerned (i. e. the theory of natural law)." Carlyle, *op. cit.*, p. 36.

¹³³ "Fra queste (distinzioni) merita di essere considerata la bipartizione fatta da tutti i giuristi romani del diritto in 'ius civile' e 'ius gentium,' chiamato anche 'ius naturale,' bipartizione che solo bizantini trasformarono in una tripartizione, 'ius civile,' 'ius gentium,' 'ius naturale.'" Perozzi, *op. cit.*, p. 91. (Emphasis mine.) Perozzi is the source from whom the argument for the second opinion is largely drawn. While denying it, Perozzi himself admits that the first is the common opinion.

¹³⁴ Cf. Perozzi, p. 91, n. 2.

the premise is proven, then the attribution of the concepts to the Justinian compilers must reasonably follow.

In denying the concept to Ulpian, two kinds of argument are used: an external proof, i. e., external to the reputed writings of Ulpian; and an internal criticism of those writings especially as they appear in the *Digest* (or *Pandects*) and the *Institutes* of Justinian.

The elements of the external argument may be summarized as follows:

(i) That of the known direction of Justinian to the commission to delete, alter, or interpret the texts; a direction extending even to the words of the ancient "*leges*" or constitutions which were quoted by the jurists.¹³⁵

(ii) The fact that interpolations in regard to the "*ius gentium*" and the "*ius naturale*" are known to have been made.¹³⁶

(iii) That Ulpian, being a juridical compiler, is most unlikely to have departed from the common opinion of this time in changing the standard bipartition into a tripartition.¹³⁷

(iv) That the peculiarly speculative character of the concept in itself would make its formal inclusion into a juridical division an unfortunate accretion.

(v) That if Ulpian did include the attributed concept into the division, he has made no further use of it, and given, therefore, no reasonable justification for the introduction of the novelty.¹³⁸

¹³⁵ "The diffuse language makes it difficult to pin the emperor down to a precise meaning. He says: 'if you find anything incorrectly expressed (non recte scriptum) you are to re-shape it,' and was probably thinking of form rather than matter, but the person who can 're-shape' a legal text has in fact the power of legislating." Jolowicz, *op. cit.*, p. 491, n. 1.

¹³⁶ V. g. l. 34, i, D. 18, 1 Paul—"quas vero (natura vel) gentium ius vel mores civitatis commercio exuerunt." Cf. Perozzi, p. 91, n. 2, and the continuation of that note at foot, p. 92. While Carlyle does not consider the amendments to be of significance, for another approach to the same question cf. G. Beseler, *Beiträge zur Kritik der römischen Rechtsquellen*, III, p. 121.

¹³⁷ But Jolowicz (footnote 126, *supra*), seems to think that the dismissal of Ulpian as a mere compiler should not be insisted upon.

¹³⁸ If the juridical quality of Ulpian is accepted as evidence *against* argument

(vi) That the concept of natural law as law common to men and animals is of Greek origin¹³⁹ and that it is wholly unlikely that Ulpian would have departed from the traditional twofold division to create a third member by the isolated addition of a rhetorical and philosophical notion.

(vii) That there is a body of opinion, considerable in quality, if not in quantity, which is favorable to this view.¹⁴⁰

The internal criticism appears to concentrate on the following points:

(i) That by writing "*nec enim potest animal iniuria fecisse quod sensu caret*"¹⁴¹ Ulpian would deny a law taught by nature to animals, and of which they have "*peritia*"—a thesis which he would in fact elsewhere admit.¹⁴²

(ii) That elsewhere he opposes nature to "*ius civile*" alone.¹⁴³

(iii) That more serious interpolations can be proven from grammatical errors of oversight in the Latin forms evidently arising through failure to make grammatical corrections in the subsequent text to accommodate the variations.¹⁴⁴

The argument appears to have sufficient cogency, failing further research, to qualify the traditional attribution of the

(iii), then it must be allowed *in support of* arguments (iv) and (v) but not conversely.

¹³⁹ This we have already shown, but Perozzi finds his evidence for it in the witness of the pseudo-Demosthenes against Aristogitone; cf. *loc. cit.*, end of note 1.

¹⁴⁰ Cf. G. Rotondi, *Scritti Giuridici*, III, p. 33, n. 3; Frese, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, 43, p. 48; L. Mitteis, *Römisches Privatrecht bis auf die Zeit Diokletians*, I (1908), 63, n. 3; R. von Mayr, *Römische Rechtsgeschichte*, II, 1 (1912-1913), 80.

¹⁴¹ L. 1, iii, D. 9, 1.

¹⁴² L. 1, iii, D. 1, 1.

¹⁴³ L. 42, D. 50, 16.

¹⁴⁴ Cf. i. 1, iv, D. 1, 1, where the words '*quod a naturali . . . sit*' appear to be interpolated from the erroneous use made of the '*illud*' and '*hoc*.' Also, l. 6 pr., D. 1, 1. Ulp. where the interpolation is claimed to be such as to form "*ius civile est quod neque in totum a naturali vel gentium recedit, nec per omnia ei servit*"—from the original, "*ius civile est quod neque in totum a gentium iure recedit nec per omnia ei servit*." This argument is, for Perozzi, decisive.

definition¹⁴⁵ and distinction of natural law adopted by St. Thomas. It would seem, therefore, that while both may be "attributed" to Ulpian, neither may be ascribed to him simply. Their earliest certain juridical source is the *Digest* and the *Institutes* of Justinian.¹⁴⁶

* * * * *

An appreciation of the philosophical and legal factors outlined throughout this article, and of their convergence, is of considerable value. First, in regard to St. Thomas himself. They are both the source of some of the principal conceptions, distinctions and formulas later incorporated into the perfection of the *Prima Secundae* and the measure of the extent of St. Thomas' personal contribution in the field of law. The doctrine as assembled and codified in the legislation of Justinian is a compilation of practical juridical formulas, often deriving from almost contradictory philosophical systems; many of the conceptions lack any firm theoretical justification and the whole is still without theological integration. Into this latent confusion St. Thomas will bring both an internal order and consistency, and an external relation to dogma which will give the doctrine an all together new perspective. Secondly, what we have termed the "philosophical factor," provides an apologetic argument of some moment. It has been shown that an awareness of the *fact* of natural law and some attempts at the formulation of its content are present in the first express and critical reflexive observations made by man upon himself. It is also of significance that this awareness, despite its naive expression, is closer

¹⁴⁵ Jolowicz, *op. cit.*, p. 105, dismisses the definition from the juridical standpoint as follows: "An identification, ascribed to Ulpian, of the law of Nature with the instincts which men share with animals is unfortunately given prominence by appearing in Justinian's *Institutes*, but it is an isolated opinion in legal literature and was never made the basis of any consistent theory."

¹⁴⁶ It seems probable that further research into the question will have to take account of the history of slavery. The question would thus occur: Is the formal juridical adoption of a triple division of law in Justinian to be attributed to an attempt to reduce slavery from the natural law, from which it would derive a certain immutable sanction—to *ius gentium*, from which its abolition would be relatively more simple.

to reality than the physical theories for which the early Greek philosophers are better known.

The principal classical conceptions already isolated, it remains to give some outline of the subsequent history of those ideas, and to consider the contribution of the early Christian era. For this purpose it is proposed first to return to the main philosophico-theological line, and then to indicate significant later modifications within the legal line insofar as they contribute to the dominant guiding notions and formulae present in the relevant articles of the *Summa Theologiae*.

II

THE CONTRIBUTION OF THE CHRISTIAN PREDECESSORS OF ST. THOMAS

In the preceding section, principal sources of the concept of natural law and of its precepts have been shown to exist in the general formulas of the philosophico-legal culmination of the classical period of Roman law, as definitively codified by the compilers of Justinian. This is the "*corpus*" of the "*legistica traditio*" for which St. Thomas is to have the greatest respect and which, seen in the light of the newly understood Aristotelian system, is to give the concept of natural law its final contours. The legal tradition in respect of natural law, remains, however, in a state of suspension until the middle of the twelfth century.¹⁴⁷

ARTICLE 1. *Lactantius*.

Several names should be considered in a summary of the lines taken by the concept at the hands of the early theologians of whom the first we shall notice is Lactantius.¹⁴⁸ While of

¹⁴⁷ "Die Lehre vom Naturrecht ist vor allem durch den Einfluss der Jurisprudenz des römischen und des kanonischen Rechtes in die Scholastik eingetreten." Cf. Grabmann, *op. cit.*, p. 68. But as we shall see a significant precision is made by Rufinus (circa 1157).

¹⁴⁸ For comprehensive estimate and literature cf. E. Amann, "Lactance," *D. T. C.*, Vol. VIII, 2, p. 2426 f.

little, if any, significance in the subsequent history of natural law, it is of interest to see in this "Christian Cicero," the negation of that intrinsic quality of the law which will be later seen as the greatest contribution of Cicero himself in that field. Quoting verbatim two significant passages from the *De Re Publica*,¹⁴⁹ Lactantius, in introducing the passages and in defining the first principles of what Cicero understood as natural law, practically identifies Cicero's concept with divine positive law. In this he foreshadows the definition of Gratian: "*ius naturae est quod in lege et evangelio continetur*," and the departure from that intrinsic quality of the law which will be strongly reasserted by St. Thomas.

ARTICLE 2. *St. Ambrose of Milan.*

The influence of St. Ambrose, himself a jurist with Roman training, is of significance in the detailed composition of the *Summa* especially in the *Secunda Secundae*; and is important more generally in the reception of Stoic and Alexandrian-Hellenistic ideas into Christian moral thought.¹⁵⁰ We have already noted the influence of Cicero in the *De Officiis Ministrorum* and this is the work (the *Expositio in Lucam* excepted) to which most frequent appeal is made in the *Summa Theologiae*. In only two places,¹⁵¹ however, is this work cited outside the *Secunda Secundae* and its contribution is of a practical and detailed rather than of a generally directive character.¹⁵²

¹⁴⁹ Cf. Appendix V.

¹⁵⁰ Cf. Chroust, *art. cit.*, *The New Scholasticism*, XX (Jan. 1946), p. 30 and note 20; also Th. Deman. O.P., "Aux Origines de la Théologie Morale," Conference, Albert le Grand, Inst. d'Etudes Médiévales: Montréal, Canada/ Vrin: Paris, 1951.

¹⁵¹ The *De Officiis Ministrorum* is cited 36 times in the *Summa Theologiae*, once in the *Prima Pars*, twice in the *Prima Secundae* (both citations occurring in q. 61, a. 4, arg. 2) and 33 times in the *Secunda Secundae*; cf. Indices, *Opera Omnia*, Ed. Leonina, Vol. XVI, p. 178-179.

¹⁵² "En dehors des deux passages mentionnés de la Ia P. et de la Ia IIae, on voit que la totalité des citations relevées appartiennent à la IIa IIae. On n'en trouverait aucune dans la IIIa P. Cette constatation confirme bien que saint Thomas a utilisé le 'De Officiis' comme un traité de règles pratiques, sans qu'il y soit allé prendre les lignes directrices de sa construction morale. Nombre de ces

ARTICLE 3. *St. Augustine.*

St. Augustine is of much greater moment particularly in regard to the theological framework into which the concept of natural law will be received.¹⁵³ Among the principal of his structural concepts is that of "order," and that of "eternal law," the natural law being conceived as the participation of creation and especially of man therein. The natural law is, as it were, "co-created" with all things existing.¹⁵⁴ In the matter of eternal law St. Augustine is a principal authority for St. Thomas; he is invoked for the existence of that law,¹⁵⁵ for its definition,¹⁵⁶ for its dignity as the source of all order,¹⁵⁷ for its participation in man as natural law¹⁵⁸ and as the ultimate source and permanent criterion of all law.¹⁵⁹ The doctrine of eternal law may be said to be the principal *external* Augustinian contribution to the Thomistic conception of natural law.¹⁶⁰

règles du reste sont déjà dans l'ouvrage de Cicéron, dont saint Thomas avait aussi la connaissance directe." Th. Deman, O.P., "Le 'De officiis' de S. Ambroise dans l'histoire de la théologie morale," *R. S. P. T.*, Tom. XXXVII, No. 3 (Juillet 1933), p. 424.

¹⁵³ We shall not be concerned here with details of the general philosophy of law in St. Augustine, but with his contribution to the thought of St. Thomas as indicated by the implicit appeal made to him in that part of the I-II concerned with natural law and its precepts. For more detailed consideration of St. Augustine's thought in this field see v.g., E. Gilson, *Introduction à l'étude de saint Augustin*, 3me. ed. (Vrin: Paris, 1949), pp. 167 f. and the literature mentioned therein, especially B. Roland-Gosselin, *La Morale de saint Augustin*, 1re. partie. Cf. also A.-H. Chrout, "The Philosophy of Law from St. Augustine to St. Thomas Aquinas," *The New Scholasticism*, XX (Jan. 1946), pp. 26 f. and *id.*, "The Philosophy of Law of Saint Augustine," *Philosophical Review*, LII, 2 (1944), p. 195 f.

¹⁵⁴ "La loi éternelle ne fait qu'un avec la Sagesse de Dieu, qui meut et dirige vers leur fin toutes les choses qu'elle a créés. On peut donc dire, avec saint Augustin, que Dieu a "concréé" la loi naturelle aux êtres qu'il appelait à l'existence." E. Gilson, *L'Esprit de la Philosophie Médiévale* (Vrin: Paris, 1948), p. 315.

¹⁵⁵ *Summa Theologiae*, I-II, q. 91, a. 1, sed contra.

¹⁵⁶ *Ibid.*, q. 91, a. 2, arg. 1 and corp.; q. 93, a. 1, sed contra.

¹⁵⁷ *Ibid.*, q. 91, a. 2, arg. 1.

¹⁵⁸ *Ibid.*, q. 91, a. 2, arg. 1, corp. et ad 1; q. 91, a. 3, arg. 1 et ad 1; q. 93, a. 2, sed contra.

¹⁵⁹ *Ibid.*, q. 95, a. 2, corp.

¹⁶⁰ That is, it does not enter into the doctrine of natural law precisely as such, but is of paramount importance in what may be termed the ontological perspective in which the full perfection of the part is seen in its relation to the whole. Indeed,

Reflection upon Article 2¹⁶¹ leaves a deepening awareness that of all the concepts integrated into the article, that which is most profound—and in a real sense, most formal, and from which both its beauty and its difficulty derive, is the concept of order.¹⁶² Preoccupation with this principle is already evident in Aristotle,¹⁶³ but the authority appealed to in the *Prima Secundae* is that of St. Augustine.¹⁶⁴ Thus the eternal law is the “ratio,” the justification and the ultimate explanation of the perfection of order;¹⁶⁵ it is the perfection of this order, and the debility of human reason confronting it, which provides the necessity for human positive law,¹⁶⁶ for no human intellect is capable of comprehending eternal law and the fulness of order.¹⁶⁷ The order of parts in relation to the whole exacts subordination to the common good, which for its perfection supposes not only the social but also the personal virtue of the citizen,¹⁶⁸ in whom the natural law is indelibly imprinted.¹⁶⁹ The authority in each of these concepts is explicitly that of St. Augustine but it will be noticed that no reference is made to the Saint in the central Article 2. The Augustinian concept of order is, however, too fundamental to the whole work of

it seems to us, that in isolation from its relation to Eternal Wisdom and Grace, the doctrine of natural law can be said to be seen only in a most limited sense. The concepts of eternal law and of order are intimately related. Cf. also Grabmann, *op. cit.*, p. 101.

¹⁶¹ This, and all future references to Article 2, unless otherwise stated, is to I-II, q. 94, a. 2.

¹⁶² “Es ist ein Meisterwerk, wie der Aquinate in einem der inhaltvollsten, aber auch schwierigsten Artikel seiner theologischen Summa (*Summa Theol.*, I-II, q. 94, a. 2) das Naturrecht zugleich in logische, metaphysische und psychologische Beleuchtung gerückt hat.” Grabmann, *op. cit.*, p. 101.

¹⁶³ V. g., *Metaphysics* 982a 16; 1075a 11, and *Nic. Ethics* 1094a 1.

¹⁶⁴ “Ordo est parium dispariumque rerum sua cuique loca tribuens dispositio,” *De Civ. Dei*, XIX, 13, 1; *P.L.* 41, 640—“Hisce igitur motibus animae cum ratio dominatur, ordinatus homo dicendus est. Non enim ordo rectus aut ordo appellandus est omnino, ubi deterioribus meliora subjiuntur,” *De Lib. Arbit.*, I, 8, 18; *PL* 32, 1231—cf. Gilson, *op. cit.*, *Introduction* . . . , p. 168, note 4.

¹⁶⁵ Q. 91, a. 2, arg. 1.

¹⁶⁷ Q. 93, a. 2, args. 2 and 3, and corp.

¹⁶⁶ Q. 91, a. 3, arg. 1, corp. and ad 1.

¹⁶⁸ Q. 92, a. 1 ad 3.

¹⁶⁹ Q. 94, a. 6 Sed contra. The authority of St. Augustine is invoked elsewhere between qq. 90-97, but those places listed indicate the principal points of influence.

St. Thomas in law to be wholly absent in the latter article. The reason for the apparent omission we believe to lie in this, that while St. Augustine is preoccupied with the splendor of order existing in, and illuminating the *whole*, St. Thomas is concerned with the analysis and explanation of that order, not only in the fulness of the whole, the "*ordinatissima*," but as reflected into, and manifested in, the *part*.

Thus we may conclude that the basic contributions of St. Augustine to the Thomistic doctrine of natural law and of its precepts are implicit in Article 2 as the "idea of a most perfect ontological order or orderliness."¹⁷⁰ The importance of this idea cannot be exaggerated, for if the whole content and significance of Article 2 were to be expressed in terms of a single transcendental concept, that concept would of necessity be that of "order." It should be noted, however, that St. Augustine is cited as *authority*. In the penetration and detailed application of the notion of order, the influence of Aristotle should not be ignored.

A consideration of the primary precept of natural law as conceived by St. Augustine, will also show why, in preferring the definition of Ulpian, St. Thomas necessarily departs from Augustine.¹⁷¹ The primary precept for the latter takes the form, "Do nothing to another which you would not suffer done to yourself."¹⁷² Thus the limitation which appears in the conception of Cicero is repeated¹⁷³ in St. Augustine, and though he is fully aware of a community of nature existing at the sensitive level between man and beast,¹⁷⁴ his concept of natural law

¹⁷⁰ This conclusion is reached from a consideration of the use made by St. Thomas of the authority of St. Augustine. Cf. A.-H. Chroust, *art. cit.*, *The New Scholasticism*, who reaches the same conclusion from an analysis of St. Augustine's thought in itself.

¹⁷¹ For significant texts cf. Appendix VI.

¹⁷² Appendix VI, Texts 1 and 2.

¹⁷³ For comparison with Cicero cf. *De Ordine II*, Cap. VIII, No. 25, *ed. cit.*, Tom. I, p. 340 D; *PL* 32, 1006. An order of life required by that law of God which is quasi—transcribed on the souls of the wise is also here described together with St. Augustine's awareness of a "dynamism" in the law, i. e., as containing an inner power to move towards the sublime.

¹⁷⁴ Appendix VI, Text 3.

makes no explicit provision for the natural animal tendencies as they exist in man. Thus when St. Thomas proposes an order of precepts which will take account of those natural tendencies and their objects he will receive the formulas through the *Digest* of Justinian, and not from St. Augustine.

ARTICLE 4. *The Decretists*.¹⁷⁵

The legal line continues in *St. Isidore of Seville* whose principal contribution to the history of law is his encyclopedic effort to transmit to posterity the whole body of theological and secular learning of the past.¹⁷⁶ In the conceptions employed by St. Thomas in Article 2 he has no personal influence, although respected by the Angelic Doctor and cited as an authority elsewhere in Question 94.¹⁷⁷ *Gratian*, whose definition, "*id quod in lege et evangelio continetur*"¹⁷⁸ fails to distinguish adequately between divine and natural law, represents a regression from St. Augustine, whose first principle is, however, adopted, i. e., "Do unto others."¹⁷⁹ St. Thomas cites the definition in the *Commentary on the IV Sentences*¹⁸⁰ for purposes of distinction, but the formula does not appear in

¹⁷⁵ The broader and original influences having been treated of, we shall be chiefly concerned in the remainder of this article with those conceptions alone which play a significant direct role in Article 2. For a history of the development of the concept of natural law in this later period and its wider related problems, principal authorities include Lottin and Grabmann whose works have been cited; Carlyle whose work already cited includes 6 volumes written between 1903-36; and Otto Gierke, *Political Theories of the Middle Age*, Tr. F. W. Maitland (Cambridge, 1938), especially p. 73 f. and Notes 256 sqq., p. 172 f. This work is a partial translation of the original *Deutsches Genossenschaftsrecht* which when entering the field of theory may be respected by those in the Thomistic tradition but with certain reservations. In each of these works sources and a comprehensive specialised literature are indicated. For what is in large part a paraphrase of Grabmann (*op. cit.*); cf. A.-H. Chroust, *art. cit.*, *The New Scholasticism*, XX (Jan. 1946). This author adds an original section on St. Augustine, but omits Grabmann's excellent pages on St. Thomas Aquinas. For modern specialised research of great precision especially on the legal works and "Glosses" cf. de Ghellinck, *op. cit.*

¹⁷⁶ Cf. Chroust, *art. cit.*, p. 31 and note 25, and for a consideration of his import in the general question of natural law, Lottin, *op. cit.*, p. 9 and Halligan, *Problema*, p. 34.

¹⁷⁷ Art. 4, Sed contra.

¹⁷⁸ Cf. Lottin, *op. cit.*, p. 11.

¹⁷⁹ Cf. Chroust, *art. cit.*, p. 36.

¹⁸⁰ *IV Sent.*, d. 33, q. 1, a. 1, ad 4.

Article 2, and is qualified in Article 4 of the same question.¹⁸¹ In failing to distinguish natural from divine law, it fails also to accommodate St. Thomas' conception of the intrinsic character of the former.¹⁸²

The significant contribution among the Decretists proper, is that of Rufinus.¹⁸³ His writings represent an attempted precision within the "*legistica traditio*"¹⁸⁴ and of the definition "*quod natura omnia animalia docuit.*" This attempt results in a new definition of natural law, which while narrowing the traditional formula to include human nature alone, widens the object of the law sufficiently to accommodate the natural animal tendencies as they exist in man. The definition is rather an amendment of that of Cicero and takes the form: "natural law is implanted by nature in the human creature as a certain tendency towards doing what is good and avoiding the contrary."¹⁸⁵ From this definition St. Thomas draws the first principle of the law: "*bonum est faciendum et prosequendum et malum vitandum.*"¹⁸⁶ The foreshadowing of two other notions which will be clarified in their incorporation into the *Prima Secundae* is also found in the basic functions of natural law as conceived by Rufinus. These are the "*demonstrationes*" which are related to the secondary precepts in St. Thomas,¹⁸⁷ and the idea of the "*bonum quod convenit.*" The contribution of Rufinus is, however, mainly in formulas; the concepts they express are older¹⁸⁸ and certain of his views, notably that which

¹⁸¹ *Summa Theol.*, I-II, q. 94, a. 4, ad 1.

¹⁸² But there is a deeper reason for the inadequacy of the definition of Gratian, and one which can be seen only in more formally theological conceptions of St. Thomas, notably in the doctrine of grace. That reason is the identification of the New Law (Evangelium) with grace. Cf. pp. 84-90, *infra*.

¹⁸³ "Viel schärfer als Gratian hat sein erster und sehr einflussreicher Kommentator Rufinus den Begriff und die Einteilungen des Jus naturale gefasst und formuliert. Er führt zuerst die Definition des römischen Rechts, der *legistica traditio* an: *Jus naturale est quod natura omnia animalia docuit.*" Grabmann, *op. cit.*, p. 69.

¹⁸⁴ Cf. Chroust, *art. cit.*, p. 37.

¹⁸⁵ "Est naturale ius vis quaedam humanae creaturae a natura insita ad faciem dum bonum cavendumque contrarium." Cf. Lottin, *op. cit.*, p. 13.

¹⁸⁶ *Summa Theol.*, I-II, q. 94, a. 2, corp.

¹⁸⁷ *Ibid.*, a. 4.

¹⁸⁸ Cf. Lottin, *op. cit.*, p. 13, note 3.

would somehow excuse all offences before the reassertion of natural law in the New Law,¹⁸⁹ will not be acceptable.

ARTICLE 5. *The Early Theologians.*¹⁹⁰

The views of Rufinus are adopted by Stephen of Tournai and by Joannes Teutonicus, and in Stephen Langton the question of natural law receives its first brief treatment as a distinct issue in a theological "*Summa*." With William of Auxerre the question begins to assume a more formal and organic theological position and a new status, in the works of one who has an attested acquaintance with the writings of Aristotle. From the standpoint of an order of precepts, however, the Augustinian principle is still the typical "*praeceptum*," the "*prohibitiones*" being the interdictions of the Decalogue.¹⁹¹

In Alexander of Hales there is some discussion of the mode of reception of the natural law in man and the suggestion is made that the "*lex naturalis*" and its basic directive norms are innate to man in the same manner as, for instance, the basic principles of true and false. This line is continued in an anonymous thirteenth century manuscript of probable Franciscan authorship¹⁹² where the Aristotelian distinction of speculative and practical intellect¹⁹³ is introduced, and the natural law seen as a habit, impressed as a corrective criterion within the practical intellect.¹⁹⁴

Each of these principal conceptions has its role in Article 2, but is received there into a system in which Aristotelian thought is no longer ornamental, but provides the basic philosophical structure. Within it, St. Thomas retains the Augustinian doctrine of the eternal law as the transcendent foundation of natural law. But the new Aristotelian influence is seen in

¹⁸⁹ Cf. Chroust, *art. cit.*, p. 37.

¹⁹⁰ For explanation of the summary character of these sections, cf. note 175, *supra*.

¹⁹¹ Cf. Chroust, *art. cit.*, p. 40.

¹⁹² Cod. Borgh. 139 (Saec. XIII) Vat. Lib. folio 97 et passim. Cf. Chroust, *art. cit.*, p. 50 and Grabmann, *op. cit.*, p. 83 and note 32, p. 84.

¹⁹³ *Metaphysics* 1025b 18; 1025b 25—*De Anima*, 412a 11, 429b 30.

¹⁹⁴ Cf. Chroust, *art. cit.*, p. 37 and note 115.

the derivation of the law from the spiritual composition of man himself, from his natural tendencies and from his powers of reason and will.¹⁹⁵ In this, the intrinsic quality of the law is emphasized and expressed more clearly in St. Thomas than in any of his predecessors, St. Albert the Great not excepted.¹⁹⁶ Again, in retaining their formulas St. Thomas departs from the earlier scholastics in his insistence upon the objectivity of the law, and consequently in distinguishing it from synderesis, and in allowing it as a habit only in a qualified sense.¹⁹⁷ These developments in turn affect the approach to a determination of the elementary precepts which are now conceived, not in terms of the Augustinian axiom, but in terms of innate tendencies of a rational animal nature, towards ends in harmony with both the essential unity, and the functional diversity of that nature.

With the rediscovery and the purification of the Aristotelian system it becomes possible for the diverse elements isolated throughout this chapter to be unified, made consistent, and integrated in a doctrine which will be unassailable in its recognition and expression of reality, and this at the theological, metaphysical and experiential levels.

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¹⁹⁵ "Aber er hat, was die augustinische Franziskanerscholastik nicht so durchgeführt hat, das Naturrecht auch aus dem menschlichen Geistesleben, aus den Tendenzen und Gesetzmässigkeiten der Vernunft und des Willens abgeleitet. Hier leitete ihn aristotelische Denkmund Arbeitsweise. Thomas hat den gegenständlichen Charakter der lex naturalis sehr betont und deshalb das natürliche Sittengesetz nicht, wie wir dies bei früheren Scholastikern gesehen haben, das Naturgesetz als Habitus aufgefasst und mit der Synteresis identifiziert." Grabmann, *op. cit.*, p. 101.

¹⁹⁶ "Il (St. Thomas) lui préfère donc celle (definition) de Cicéron, qui en accentue le caractère intrinsèque; mais par-dessus tout il affectionne celle du juriste Ulpianus." "Il faut le redire, le mérite de Saint Thomas . . . son vrai mérite, qui assure le pérennité à sa doctrine, est d'avoir mis en sa pleine lumière le caractère intrinsèque du droit naturel. La loi naturelle n'est autre que la nature humaine s'exprimant rationnellement. C'est le dynamisme aristotélécien appliqué à l'ordre morale: l'homme se perfectionne en réalisant dans sa conduite sa condition d'homme, mais au préalable en l'exprimant par les dictées de sa raison naturelle." Lottin, *op. cit.*, p. 62 and p. 103.

¹⁹⁷ Cf. *Summa Theol.*, I-II, q. 94, a. 1.

APPENDIX I.

Dates of Principal Persons referred to
[c = about; f = flourished; + = died]

Homer	- c. 10th cent. B. C. (all subsequent dates B. C.)
Hesiod	- c. 8th "
Pythagorus	- c. 532
Xenophanes	- c. 530
Heracleitus	- c. 500
Sophocles	- c. 496
Euripides	- c. 484
Epicharmus	- c. 480
Alcmaeon	- c. early 5th cent.
Socrates	- c. 469 + 399
Empedocles	- c. 444
Democritus	- c. 420
Plato	- c. 428-427 (born)
Philolaus	- c. latter 5th cent.
Antiphon	- c. latter 5th cent.
Aristotle	- 384-322
Chrysippus	- 280-207
Plautus	- 254-184
Terence	- 185-159
Cicero	- 106- 43
Ulpian	- + 228 A. D. (all subsequent dates A. D.)
Lactantius	- + 325
St. Ambrose	- + 397
St. Augustine	- 354-430
Justinian	- + 565
St. Isidore	- + 636
Gratian	- f. 1140 (Date of Decree)
Rufinus	- f. 1157

The above dates are not proposed as critical, but are intended only to indicate general order of the authors cited—and have been drawn from various general histories.

APPENDIX II.

Fragments of the Pre-Socratic Philosophers relevant to Justice, Natural Law, and its Precepts.¹

1. *Xenophanes of Colophon* (c. 530 B. C.)

"Both Homer and Hesiod have attributed to the Gods all things that are shameful and a reproach among mankind: theft, adultery, and mutual deception." 21/10, p. 22.

2. *Heracleitus of Ephesus* (c. 500 B. C.)

- (a) ". . . For though all things come into being in accordance with this Law (of the universe), men seem as if they had never met with it, when they meet with words (theories) and actions (processes) such as I expound, separating each thing according to its nature and explaining how it is made." 22/1, p. 24.
- + (b) "Therefore one must follow (the universal Law, namely) that which is common (to all). But although the Law is universal, the majority live as if they had understanding peculiar to themselves." 22/2, p. 24.
- + (c) "Moderation is the greatest virtue, and wisdom is to speak the truth and to act according to nature, paying heed (thereto). 22/112, p. 32.
- (d) "The thinking faculty is common to all." 22/113, p. 32.
- + (e) "If we speak with intelligence, we must base our strength on that which is common to all, as the city on the Law (Nomos), and even more strongly. For all human laws are nourished by one, which is sufficient for all, and more than enough." 22/114, p. 32.
- (f) "You could not in your going find the ends of the soul, though you travelled the whole way: so deep is its Law (Logos)." 22/45, p. 27.
- (g) "It is hard to fight against impulse; whatever it wishes, it buys at the expense of the soul." 22/85, p. 30.

¹ The fragments are taken from Kathleen Freeman, *Ancilla to the Pre-Socratic Philosophers* (Basil Blackwell: Oxford, 1948), which is a complete English translation of the fragments given in Diels, *Fragmente der Vorsokratiker*, 5th Ed. (B-sections). In the numeration above, the first figure is the Chapter number of Diels, 5th ed., the second, the fragment number, (thus 21/10); the page number (p. 22) is that of the *Ancilla*.

3. *Epicharmus of Syracuse* (c. 480 B. C.)

- (a) "The greatest sustenance for mortals on their journey is a pious life." 23/18, p. 37.
- (b) "Not emotion, but intelligence, should be on the surface." 23/43, p. 38.
- (c) "The Law (Logos) steers mankind aright and ever preserves them. Man has calculation, but there is also the divine Logos. But the human Logos is sprung from the divine Logos, and it brings to each man his means of life, and his maintenance. The divine Logos accompanies all the arts, itself teaching men what they must do for their advantage; for no man has discovered any art, but it is always God." 23/57, p. 39.

4. *Alcmaeon of Croton* (c. beginning 5th cent. B. C.)

"Man differs from the other (creatures) in that he alone understands; the others perceive, but do not understand." 24/1a, p. 40.

5. *Philolaus of Tarentum* (c. latter half of 5th cent. B. C.)

- + (a) "By nature, not by convention." 44/9, p. 74.
- (b) "... The nature of Number and Harmony admits of no falsehood; for this is unrelated to them. Falsehood and Envy belong to the nature of the Non-Limited and the Unintelligent and the Irrational." 44/11, p. 75.
- (c) "(The Four Elements of the rational animal are: Brain, Heart, Navel, Genital Organ). The Head is the seat of the Mind, the Heart of the Soul and of feeling, the Navel of the Rooting and Growth of the original (embryo), the Genital Organ of the emission of Seed and of Creation. The Brain indicates the ruling factor of Man. . . ." 44/13, p. 75-76.

6. *Democritus of Abdera* (c. 420 B. C.)

- (a) "Well-ordered behaviour consists in obedience to the law, the ruler and the man wiser (than oneself)." 68/47, p. 100.
- + (b) "Many who have not learnt reason, nevertheless live according to reason." 68/53, p. 100.
- (c) "For all men, good and true are the same; but pleasant differs for different men." 68/69, p. 101.
- (d) "It is hard to fight desire; but to control it is the sign of a reasonable man." 68/236, p. 113. Cf. Text No. 2(g) above.
- (e) "Justice is to do what should be done; injustice is to fail to do what should be done, and to put it aside." 68/256, p. 114.
- + (f) "... One must respect one's own opinion most, and this must stand as the law of one's soul, preventing one from doing anything improper." 68/264, p. 115.

- + (g) "For human beings it is one of the necessities of life to have children, arising from nature and primeval law. It is obvious in the other animals too: they all have offspring by nature, and not for the sake of any profit. And when they are born, the parents work and rear each as best they can and are anxious for them while they are small, and if anything happens to them, the parents are grieved. But for man it has now become an established belief that there should also be some advantage from the offspring." 68/278, p. 117.

7. *Antiphon the Sophist*. (c. latter half of 5th cent. B. C.)

- + "Justice, then, is not to transgress that which is the law of the city in which one is a citizen. A man therefore can best conduct himself in harmony with justice if, when in the company of witnesses he upholds the laws, and when alone without witnesses he upholds the edicts of nature. For the edicts of the laws are imposed artificially, but those of nature are compulsory. And the edicts of the laws are arrived at by consent, not by natural growth, whereas those of nature are not a matter of consent.

So, if the man who transgresses the legal code evades those who have agreed to these edicts, he avoids both disgrace and penalty; otherwise not. But if a man violates against possibility any of the laws which are implanted in nature, even if he evades all men's detection, the ill is no less, and even if all see, it is no greater. For he is not hurt on account of an opinion, but because of truth. The examination of these things is in general for this reason, that the majority of just acts according to law are prescribed contrary to nature. For there is legislation about the eyes, what they must see and what not . . . (the fragment continues). . . . Now the law's prohibitions are in no way more agreeable and more akin than the law's injunctions. But life belongs to nature and death too, and life for them is derived from advantages and death from disadvantages. And the advantages laid down by the laws are chains upon nature, but those laid down by nature are free . . . (the fragment continues). . . . In this we are in our relations with one another, like barbarians, since we are all by nature born the same in every way, both barbarians and Hellenes. And it is open to all men to observe the laws of nature, which are compulsory. Similarly all of these things can be acquired by all, and in none of these things is any of us distinguished as barbarian or Hellene. We all breathe into the air through mouth and nostrils, and we all eat with hands. . . ." 87/44, (*Oxyrhynchus papyrus*. From "Truth"), p. 147.

+ This sign is used to indicate texts of special relevance.

APPENDIX III.

Comparative Dates in Roman Legal History

MONARCHY

B. C. 753	Foundation of Rome
510	Expulsion of the Tarquins

REPUBLIC

451-450	<i>Compilation of Twelve Tables</i>
367	Admission of Plebeians to Consulate
	<i>Institution of Praetorship</i>
338	Dissolution of Latin League
300	Admission of Plebeians to Pontificate
252	T. Coruncanius first plebeian 'Pontifex Maximus'
242 (about)	<i>Institution of Peregrine Praetorship</i>
241	First Province (Sicily)
106-43	<i>Cicero</i>
95	<i>Q. Mucius Scaevola</i> —Consul.
44	Assassination of Caesar
31	Battle of Actium

PRINCIPATE

27	Augustus regularises his power
A. D. 14	Death of Augustus
	<i>(Earlier Classical Period of Law)</i>
117-138	Reign of Hadrian
161	<i>Institutes of Gaius</i>
172-180	Reign of M. Aurelius alone.
	<i>(Later Classical Period of Law)</i>
193-211	Reign of Septimus Severus
211	'Constitutio Antoniniana'
228	<i>Death of Ulpian</i>

DOMINATE

284-305	Reign of Diocletian
312	Conversion of Constantine the Great
395	Death of Theodosius the Great
	Division of the Empire

476	End of Western Empire
527-565	Reign of Justinian
528	First Code
530	Beginning of the Digests
533	Digests and Institutes become Law.

This table, with some variations to give greater relevance in the present context has been taken in the main from H. F. Jolowicz, *Historical Introduction to the Study of Roman Law* (Cambridge, 1939), p. xviii. The more significant dates in the question of the origins of natural law, have been underlined.

APPENDIX IV.

*Selected extracts from the work of Cicero relevant to Justice,
Natural Law and the Precepts.*

A. *De Inventione.*

1. "Natura ius est, quod non opinio genuit sed quaedam in natura vis inest, ut religionem, pietatem, gratiam, vindicationem, observantiam, veritatem."

Lib. II, C. 53, 161, p. 230, l. 70. (Ed. Friedrich)

2. "... vindicatio, per quam vis aut iniuria et omnino omnia, quod obfuturum est; defendendo aut ulciscendo propulsatur."

Lib. II, C. 53, 161, p. 230, l. 26. (Ed. Friedrich)

B. *De Natura Deorum.*

3. "Sequitur, ut eadem sit in iis, quae humano in genere, ratio, eadem veritas utrobique sit eademque lex, quae est recti praeceptio, pravique depulsio."

Lib. II, C. 31, 79, p. 74.

4. "Soli enim ratione utentes iure ac lege vivunt."

Lib. II, C. 62, 154, p. 102.

C. *Paradoxa.*

5. "... quod honestum sit, id solum bonum esse."

Para I, Cap. I, p. 394. (Ed. Orellius)

D. *De Re Publica.*

6. "... Ecquid ergo primum mutis tribuimus beluis? non enim mediocres viri, sed maximi et docti, Pythagoras et Empedocles, unam omnium animantium condicionem iuris esse denuntiant clamantque inexpiabilis poenas impendere iis, a quibus violatum sit animal."

Lib. III, C. 11, 19, p. 338.

7. "Iustitia autem praecipit pacere omnibus, consulere generi hominum, suum quique reddere, sacra, publica, aliena non tangere."

Lib. III, C. 15, 24, p. 340.

8. "Est quidem vera lex recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium iubendo, vetando a fraude deterreat, quae tamen neque probos frustra iubet aut vetat, nec improbos iubendo aut vetando movet. Huic legi nec obrogari fas est, neque derogari ex hac aliquid licet, neque tota abrogari potest; nec vero aut per senatum, aut per populum solvi hac lege possumus: neque est quaerendus explanator aut interpres ejus alius: nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac; sed et omnes gentes, et omni tempore, una lex et sempiterna et immutabilis (alii = immortalis) continebit, unusque erit communis quasi magister et imperator omnium deus; ille legis huius inventor, disceptator, lator, cui qui non parebit, ipse se fugiet, ac naturam hominis aspernatus, hoc ipso luet maximas poenas, etiam si cetera supplicia, quae putantur, effugerit."

Lib. III, C. XXII, 33, 16, p. 467-468. (Ed. Orellius)

E. *De Legibus.*

9. "Igitur doctissimis viris, proficisci placuit a lege, haud scio an recte, si modo, ut iidem definiunt, lex est ratio summa insita in natura, quae iubet ea, quae facienda sunt, prohibetque contraria. Eadem ratio quom est in hominibus mente confirmata et confecta, lex est. . . . Quod si ita recte dicitur ut mihi quidem plerumque videri solet, a lege ducendum est iuris exordium; ea est enim naturae vis, ea mens ratioque prudentis, ea iuris atque iniuriarum regula."

Lib. I, C. 6, 18-19, p. 387.

10. "Erat autem ratio profecta a rerum natura et ad recte faciendum impellans et a delicto avocans, quae non tum denique incipit lex esse, quam scripta est, sed tum quom orta est simul cum mente divina."

Lib. II, C. 4, 10, p. 408.

11. "Haec habemus in XII sane secundum naturam quae norma legis est."

Lib. II, C. 24, 61, p. 429.

F. *De Officiis.*

12. "Principio generi animantium omni est a natura tributum, ut se, vitam corpusque tueatur, declinet ea, quae nocitura videantur, omniaque que sint ad vivendum necessaria, anquirat et paret, ut pastum, ut latibula, ut alia generis eiusdem. Commune item ani-

mantium omnium est conjunctionis adpetitus procreandi causa et cura quaedam eorum, quae procreata sint; sed inter hominem et beluam hoc maxime interest, quod haec tantum, quantum sensu movetur, ad id solum, quod adest quodque praesens est, se accomodat paulum admodum sentiens praeteritum aut futurum; homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt earumque praegressus et quasi antecessiones non ignorat, similitudines comparat rebusque praesentibus adiungit atque adnectit futuras facile totius vitae cursum videt ad eamque degendam praeparat res necessarias."

Lib. I, C. 4, 11, p. 5 f.

13. "Fundamenta iustitiae, primum ut ne cui noceatur, deinde ut communi utilitati serviatur."

Lib. I, C. 10, 31, p. 12.

14. "Neque vero hoc solum natura et jure gentium, sed etiam legibus populorum, quibus in singulis civitatibus res publica continetur, eodem modo constitutum est, ut non liceat sui commodi causa nocere alteri. Hoc enim spectant leges, hoc volunt, incolumem esse civium conjunctionem: quam qui dirimunt, eos morte exilio vinclis damno coercent. Atque hoc multo magis efficit ipsa naturae ratio, quae est lex divina et humana: cui parere qui velit—omnes autem parebunt, qui secundum naturam volent vivere—nunquam committet, ut alienum appetat et id quod alteri detraxerit, sibi assumat."

Lib. III, C. 5, 23, p. 404. (Ed. Orellius)

15. "Detrahere autem de altero sui commodi causa magis est contra naturam, quam mors, quam dolor, quam cetera generis eiusdem."

Lib. III, C. 5, 24, p. 404. (Ed. Orellius)

Some parallel references:

Text No. B. 4—compare: *De Inventione*, Lib. II, C. 22, p. 196
(Ed. Friedrich)

" " D. 6— " *De Natura Deorum*, Lib. II, C. 62, 154, p. 102.

" " F. 12— " *De Natura Deorum*, Lib. II, C. 33, 83 f., p. 75.

" " F. 13— " *De Inventione*, Lib. II, C. 53, 161, p. 230
(Ed. Friedrich)

" " F. 14— " *De Haruspicum Responso Oratio*, Cap. 14, 32, p. 527.

These texts are selected as the most lapidary expression of a doctrine with which Cicero is preoccupied from the initial definition in the "De

Inventione" (written as a young man) throughout the whole of the greater of his later works.

The Editions used in this Appendix are as follows:

- (1) *M. Tullii Ciceronis Opera, quae supersunt omnia ac deperditorum fragmenta* (Ed. Io. Casp. Orellius: Turio, 1828).
- (2) *Ciceronis, M. Tullii, opera Rhetorica* (Ed. Friedrich, in aedibus Teubneri: Lipsiae, 1884), Vol. I—*De Inventione*.
- (3) *M. Tullii Ciceronis, Scripta quae manserunt omnia* (Ed. Mueller, in aedibus Teubneri: Lipsiae, 1884 et seq.). (This edition is cited unless otherwise stated. For convenience the position of the works cited, in the volumes published by Teubner 1884 is as follows:

Partis II, Vol. I—*Opera Rhetorica, Libros ad C. Herennium et de Inventione* (et alia)

Partis II, Vol. II—*De Haruspicum Responso* (apud alia)

Partis IV, Vol. II—*Libros de Natura Deorum, de Divinatione, de Fato, De Re Publica, de Legibus*.

Partis IV, Vol. III—*Libros de Officiis* (apud alia).

A useful collection (but only from the *De Re Publica* and the *De Legibus*) with some explanation is available in English in *Masters of Political Thought*, Vol. I, "Plato to Machiavelli," by M. B. Foster (Harrap: London 1942), pp. 180-195.

A fuller collection in Latin and under a similar formality is available in E. Costa, *Cicerone Giureconsulto*, Nuova Ed. (Nicola Zanichelli: Bologna, 1927).

APPENDIX V.

Extract from Lactantius relevant to Natural Law.

1. "Suscipienda igitur Dei lex est, quae nos ad hoc iter dirigat, illa sancta, illa coelestis, quam Marcus Tullius in libro de Rep. tertio pene divina voce depinxit, cuius ego, ne plura dicerem, verba subieci."
Lib. VI, Cap. viii, Seg. 6, p. 76.
2. "Est quidem vera lex, recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium, jubendo; vetando, a fraude deterreat: quae tamen neque probos frustra jubet, aut vetat: nec improbos jubendo, aut vetando movet."
Loc. cit., Seg. 7, pp. 76-77.
3. "Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac: sed et omnes gentes et omni tempore una lex et sempiterna, et immutabilis continebit: unusque erit communis, quasi magister, et imperator omnium

Deus: ille legis huius inventor, disceptator, lator cui, qui non parebit, ipse se fugiet, ac naturam hominis aspernatus; hoc ipso luet, maximas poenas, etiam si cetera supplicia, quae putantur, effugerit."

Loc. cit., Seg. 9, p. 77.

4. "Huius legis caput primum est, ipsum Deum nosse, soli obtemperare, solum colere. Non potest enim rationem hominis obtinere, quae parentem animae suae Deum nescit, quod est summum nefas. Quae ignoratio facit, ut Diis alienis serviat: quo nihil sceleratius committi potest."

Lit. VI, Cap. ix, Seg. 1, p. 79.

Cf. L. Caelii Lactantii Firmiani, *De Vero Cultu, seu Divinarum Institutionum adversus Gentes*, Lib. VI. (Recensuit F. Eduardus a S. Xaverio, in aedibus de Maximis, Romae, 1757).

APPENDIX VI.

Extracts from the Works of St. Augustine relative to the Primary Precepts of Natural Law.

1. "Legem quippe sive naturalem intelligamus, quae in eorum apparet aetatibus, qui jam ratione uti possunt, sive conscriptam, quae data est per Moysen. . . . Ubi enim Lex non est, ait idem Apostolus, nec praevaricatio. Proinde quoniam lex est etiam in ratione hominis, qui iam utitur arbitrio libertatis naturaliter in corde conscripta, qua suggeritur *ne aliquid faciat quisque alteri, quod pati ipse non vult*: secundum hanc legem praevaricatores sunt omnes, etiam qui Legem per Moysen datam non acceperunt, de quibus in Psalmo legitur, 'Praevaricatores aestimavi omnes peccatores terrae.'"

Epist. 157 (ad Hilarium) 3, 15. Tom. II, Col. 547 F. *PL* 33, 681.

2. "Ubi enim lex non est, nec praevaricatio. Quae ista lex est, nisi forte illa de qua idem dicit Apostolus, Gentes quae legem non habent, naturaliter quae legis sunt faciunt; hi legem non habentes, ipsi sibi sunt lex? Secundum hoc ergo quod dicit Legem non habentes; sine lege peccaverunt, et sine lege peribunt: secundum id vero quod ait. Ipi sibi sunt lex; non immerito praevaricatores aestimantur omnes peccatores terrae. *Nullus enim est qui faciat alteri iniuriam, nisi qui fieri nolit sibi*: et in hoc transgreditur naturae legem, quam non sinitur ignorare, dum *id quod facit non vult pati*. Numquid autem lex ista naturalis non erat in populo Israel? Erat plane, quoniam et ipsi homines erant. *Sine lege autem naturali essent, si praeter naturam humani generis esse potuissent.*

Multo magis ergo praevaricatores facti sunt lege divina, qua naturalis illa sive instaurata, sive aucta, sive firmata est."

*In Psalmum 118, Sermo 25. 4 Tom. IV, 2, Col. 1344 B.
PL 36-37, 1574.*

3. "Propter quod ego non putavi pro muliere sensum corporis esse ponendum, *quem videmus nobis et bestiis esse communem*; sed aliquid volui quod bestiae non haberent: sensumque corporis magis pro serpente intelligendum existimavi, qui legitur sapientior omnibus peccoribus terrae. *In eis quippe naturalibus bonis, quae nobis et irrationabilibus animantibus videmus esse communia*, vivacitate quadam sensus excellit; . . . ille quippe sensus naturae rationalis sunt ad intelligentiam pertinentes: sed iste sensus quinquepartitus in corpore, per quem non solum a nobis, verum etiam a bestiis corporalis species motusque sentitur."

De Trinitate, Lib. XII, Cap. xiii, 20, PL 32, 1009.

Sancti Aurelii Augustini Hipponensis Episcopi Operum (studio Monachorum Ordinis S. Benedicti, e Congregatione S. Mauri, Parisiis, 1688 etc.), and compared with Migne, *loc. cit.*, Extract 3, from Migne alone. Emphasis added.

THE TELEOLOGICAL SUSPENSION OF THE ETHICAL

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A PHILOSOPHER'S prediction about the future success of his book is always interesting; sometimes, however, it can also be misleading. Kierkegaard once said of his book, *Fear and Trembling*, that it alone would suffice to gain him immortality. This prophecy has been vindicated in that the book is now generally regarded as an important one, but neither its success nor Kierkegaard's forecast is evidence that it is the surest way to get at Kierkegaard's own thought. In what follows we will first assess its general argument and then go on to say something about its place in the Kierkegaardian literature; the latter will indicate the danger of attributing its thought to Kierkegaard himself.

Fear and Trembling considers in a detailed fashion the famous "teleological suspension of the ethical absolute" and, generally speaking, the role of the book is to bring out the inadequacy of ethics. For purposes of clarity, it should be pointed out at the beginning that Kierkegaard is not here concerned with the inadequacy of moral science. Men did not require revelation in order to see the limitations of ethics. Aristotle observes that ethics, even when it proceeds at a level of great generality, is inexact and lacking in conclusiveness.¹ In this, moral theology does not differ greatly from moral philosophy. Moral science must always be inexact and dissatisfying, indeed of little or no value, when it is a question of

¹ "We must be content, then, in speaking of such subjects and with such premisses to indicate the truth roughly and in outline, and in speaking about things which are only for the most part true and with premisses of the same kind to reach conclusions which are no better." *Nicomachean Ethics*, I, 3, 1094b20. Cf. *ibid.*, II, 2, 1104a1-6.

using it to be as one ought to be.² But, although revelation has not altered the fact that knowledge is not virtue, it would appear that there are great differences between moral philosophy and moral theology. However, as should become evident, Kierkegaard is rather interested in the difference between the actions of those who have faith and those who do not.

Kierkegaard raises the problem of the suspension of the ethical in *Fear and Trembling*, and he exemplifies what he exemplifies what he means by recalling the temptation of Abraham. God asks Abraham to sacrifice Isaac. How can this killing of an innocent boy be justified? Kierkegaard's answer is that we must recognize here a teleological suspension of the ethical absolute. In what follows, I would like to discuss the notion of "suspension," compare it with St. Thomas' interpretation of the biblical incident, and finally to point out the role the suspension plays in Kierkegaard's existential dialectic.

1. *Abraham, Ethics and the Absurd*

In a prelude to *Fear and Trembling*, Kierkegaard (through Johannes de silentio, the pseudonym to whom the work is attributed) gives us four lyrical, imaginative depictions of the anguish that must have been Abraham's fulfilling God's command. It is precisely the dread of Abraham that Kierkegaard wants to stress, for he sees in this situation a radical conflict of the demands of the ethical and the religious. "The ethical expression for what Abraham did is, that he would murder Isaac; the religious expression is, that he would sacrifice Isaac; but precisely in this contradiction consists the dread which can well make a man sleepless, and yet Abraham is not what he is without this dread."³ What defines the willingness of Abraham is the notion of absurdity. Isaac is the son for whom

² This is the opinion of St. Thomas. "Qua quidem scientia existente, in particulari actu contingit iudicium rationis intercipi, ut non recte diiudicet; et propter hoc dicitur parum valere ad virtutem, quia ea existente contingit hominem contra virtutem peccare." *De Virtut. in Comm.*, a. 6, ad 1.

³ *Fear and Trembling*, trans. W. Lowrie (Doubleday Anchor Books: Garden City, New York, 1954), p. 41.

Abraham and Sarah had waited into their extreme old age; he embodies a promise of God with regard to the descendants of Abraham. How can the promise be fulfilled if Isaac is to be killed? *Fear and Trembling* insists that Abraham could not understand how the boy could die and the prophecy be fulfilled, and yet he accepted both. "He did not believe that someday he would be blessed in the beyond, but that he would be happy here in the world. God could give him a new Isaac, could recall life to him who had been sacrificed. He believed by virtue of the absurd; for all human reckoning had long since ceased to function."⁴

In order that Abraham may be better understood, he is opposed to two other possibilities who may seem to resemble him. The first opposition is between Abraham and the "knight of infinite resignation." Suppose that a man had fallen in love with a princess, and that he had found that his love could never issue in marriage. He cannot forget his love and find another girl; he allows his life and his thoughts to be dominated by the idea of the princess he loves. And he resigns himself to the fact that he can never have her. This resignation implies that he cannot forget her. "So the knight remembers everything, but precisely the remembrance is pain, and yet by the infinite resignation he is reconciled with existence. Love for that princess became for him the expression for an eternal love, assumed a religious character, was transfigured into a love for the Eternal Being, which did to be sure deny him the fulfillment of his love, yet reconciled him again to the eternal consciousness of its validity in the form of eternity, which no reality can take from him."⁵

Such infinite resignation is the last stage prior to faith. What could faith do more in the circumstances? We are told that the man of faith would say, "I believe nevertheless that I shall get her, in virtue, that is, of the absurd, in virtue of the fact that with God all things are possible."⁶ Infinite resignation

⁴ *Ibid.*, pp. 46-7.

⁵ *Ibid.*, p. 54.

⁶ *Ibid.*, p. 57.

implies that reason is satisfied that there is no possibility of marriage; to believe otherwise is to go against the understanding, to act absurdly. Applying the paradox, or absurd, to Abraham, we find that faith is "a paradox which is capable of transforming a murder into a holy act well-pleasing to God."⁷ Against this background arises the teleological suspension of the ethical absolute.

What is essential to the ethical is its universality; it applies to everyone and at all times. The ethical task of the individual is to realize in his life the universal; his particularity must be suppressed and the universal expressed. "Whenever the individual after he has entered the universal feels an impulse to assert himself as the particular, he is in temptation, and he can labor himself out of this only by penitently abandoning himself as the particular in the universal."⁸ This view is referred to Hegel and it not contested as an adequate description of the ethical task. It is the ethical thus described which cannot account for the paradox of faith. "For faith is precisely the paradox, that the individual as the particular is higher than the universal, is justified over against it, is not subordinate but superior. . . ."⁹ When the ethical universal is suspended, when the individual is no longer bound by it, but is superior to it, we have the paradox of faith. It is this that the temptation of Abraham implies. "He acts by virtue of the absurd, for it is precisely absurd that he as the particular is higher than the universal." To avoid any confusion, Abraham is next contrasted with the tragic hero.

The tragic hero is one who finds a higher expression of the ethical but remains within the ethical. We are given several examples of tragic heroes. When Agamemnon offers Iphigenia at Aulis, he does so to placate the gods and to further the enterprise in which his whole nation is involved. That is to say,

⁷ *Ibid.*, p. 64. There is some ambiguity in Kierkegaard's view of Abraham which arises from this context, for it seems to imply that it is the nullification of Isaac's death and not of its being a "murder" which makes this a holy act.

⁸ *Ibid.*, p. 65.

⁹ *Ibid.*, p. 66.

Agamemnon sacrifices his daughter ethically, in virtue of a more universal ethical requirement, his duty to his country. So too when Jephtha binds himself by a vow that he will sacrifice his daughter if Israel is saved. So too when Brutus condemns his son for conspiring against the state.¹⁰ Each of these men acts heroically and is justified in terms of a more universal ethical requirement. Not so with Abraham.

The difference between the tragic hero and Abraham is clearly evident. The tragic hero still remains within the ethical. He lets one expression of the ethical find its telos in a higher expression of the ethical; the ethical relation between father and son, or daughter and father, he reduces to a sentiment which has its dialectic in its relation to the idea of morality. Here there can be no question of a teleological suspension of the ethical itself. With Abraham the situation was different. By his act he overstepped the ethical entirely and possessed a higher telos outside of it, in relation to which he suspended the former.¹¹

Abraham's only relation to the ethical is that he transgresses it. To kill Isaac is not justified because it saves a people or placates God. The tragic hero is said to be great by reason of his moral virtue, whereas Abraham is great by reason of a "purely personal virtue."¹² Abraham's undertaking is a purely personal one.

The situation in which Abraham finds himself is one of temptation. What is temptation? The ethical. Abraham must enter into a purely private relationship with God, a relationship which is immediate, i. e., unmediated by any universal ethical requirement. Abraham's willingness to kill Isaac is a sin which is not sinful, a murder which is not culpable. He is compared with the child who is guilty of original sin and yet is innocent.¹³ How can this murder be not a murder? "Before the result, either Abraham was every minute a murderer, or we are confronted by a paradox which is higher than all mediation."¹⁴

¹⁰ Since presumably Brutus' son is guilty, his case is hardly parallel with the others.

¹¹ *Ibid.*, p. 69.

¹² *Ibid.*, p. 72.

¹³ *Ibid.*, p. 70.

¹⁴ *Ibid.*, p. 77.

The suspension means that Abraham enters into an "absolute relation to the absolute." That is, into a purely private relationship which has nothing of the universal about it. Because of this, it is unintelligible and inexplicable. The ethical, on the other hand, is said to be intelligible and explainable. How? In terms of the universal which is equally binding on all men. By ethical activity one is able to "become intelligible to oneself in the universal so that he understands it and so that every individual who understands him understands through him the universal and both rejoice in the security of the universal."¹⁵

2. *The Dispensability of Natural Law*

The temptation of Abraham is an example *par excellence* of faith, and the way in which Abraham acquitted himself earned for him the title of father of faith. However, as Kierkegaard used this incident in function of his own understanding of the nature of faith, his treatment could hardly be otherwise. In his view, faith bears upon the absurd; it is a movement which begins where human understanding leaves off. However, faith is not something which transcends the understanding; it goes against it, contradicts it, crucifies it. In the case of Abraham, then, our question becomes: does God's command put Abraham in a contradictory position? Does the sacrifice of Isaac contradict the ethical absolute so that its suspension is required?

A first clarification is in order with regard to the term "ethical." This could not be restricted to what we would call moral science or ethics, because what is involved in the story of Abraham is the natural law. Kierkegaard seemingly would accept this precision since he is speaking of a universal which is absolute and stable, something which cannot be said of any of the *proper* principles of moral science.¹⁶ The most common principles of natural law are likened by St. Thomas to the self-

¹⁵ *Ibid.*, p. 86.

¹⁶ *I Ethic.*, lect. 3, n. 32; *II Ethic.*, lect. 2, n. 259; *ibid.*, lect. 8, nn. 333-4.

evident principles of speculative science.¹⁷ From these most common principles others can be derived as quasi conclusions *cum modica consideratione* which also pertain absolutely to natural law.¹⁸ Moral philosophy, although its precepts, too, must refer to natural law, proceeds in a completely different mode.¹⁹ The reason for introducing these remarks is that our intention is to speak of the temptation of Abraham in terms of the precepts of the decalogue. To do so is not to be guilty of an anachronistic fallacy due to Abraham's antedating Moses.

Applying the above distinctions to the decalogue, we can say that the moral precepts given there are neither the most common principles of natural law, nor are they precepts which would be arrived at by the diligent inquisition which characterizes moral philosophy.²⁰ Rather they are precisely those precepts of natural law which can be arrived at *cum modica consideratione*.²¹ Since then the prohibition of homicide is absolutely of natural law as well as a precept of the decalogue, it is legitimate to discuss its possible suspension in terms of the decalogue. This is what St. Thomas does.

The story of Abraham raises the question: can God dispense with a precept of the decalogue? Men become good in terms of two orders, the one that whereby their actions relate men to one another, the second that whereby their actions relate

¹⁷ *Summa Theol.*, I-II, q. 94, a. 2.

¹⁸ "Quaedam enim sunt in humanis actibus adeo explicita, quod statim, cum modica consideratione, possunt approbari vel reprobari, per illa communia et prima principia (. . .) Quaedam enim sunt quae statim per se ratio cuiuslibet hominis diiudicat esse facienda: sicut 'Honora patrem tuum et matrem tuam,' et 'Non occides,' 'Non furtum facies.' Et huiusmodi sunt absolute de lege naturae." *Ibid.*, q. 100, a. 1.

¹⁹ "Quaedam vero sunt ad quorum iudicium requiritur multa consideratio diversarum circumstantiarum, quas considerare diligenter non est cuiuslibet, sed sapientium; sicut considerare particulares conclusiones scientiarum non pertinet ad omnes, sed ad solos philosophos." *Ibid.*

²⁰ *Ibid.*, a. 3.

²¹ "Illa ergo praecepta ad decalogum pertinent, quorum notitiam homo habet per seipsum a Deo. Huiusmodi vero sunt illa quae statim ex principiis communibus primis cognosci possunt modica consideratione." *Ibid.*

to their ultimate end, God.²² The division of the decalogue into first and second tables of the law is an expression of this difference of orders. The law of the first table contains the order to the common good, God; the law of the second table contains the order of justice which should be observed among men.²³

From the point of view of Kierkegaard's exegesis, it is imperative that we see the relation of these orders to one another. The first order is said to be the cause of the second because the second is for the first. "*Ex hoc enim quod res sunt ordinatae ad invicem, juvant se mutuo, ut ad finem ultimum debite ordinantur.*"²⁴ The subtraction of the goodness which consists in the order to the ultimate end is the total destruction of goodness. It would seem, however, that the goodness arising from the second order can be subtracted without affecting the relationship to the ultimate end.²⁵ It is just this latter point which is raised by the temptation of Abraham. A failure to observe the order which should obtain between one creature and other is sinful. Examples of such disorder are homicide, hatred of one's neighbor, disobedience to superiors, etc. How can such disorder be justified and the order to the ultimate end be preserved? Can there be a dispensation of the precepts of the second table?

In the case of human law, a dispensation is possible if a particular situation arises in which the observance of the letter of the law would go against the intention of the legislator. The intention of the legislator is first of all the common good and secondly the order of justice and virtue by means of which the common good is attained and preserved. Therefore, any laws which contain this ordination to the common good or the order

²² *I Sent.*, d. 47, q. 1, a. 4.

²³ *Summa Theol.*, I-II, q. 100, a. 8.

²⁴ *I Sent.*, d. 47, q. 1, a. 4.

²⁵ "Unde oportet quod subtracta bonitate quae est ex ordine unius rei ad finem ultimum nihil bonitatis remanere possit. Sed subtracta bonitate quae est ex ordine unius rei ad rem aliam, nihilominus remanere potest illa bonitas quae est ex ordine rei ad finem ultimum: quia primum non dependet ex secundo, sicut secundum ex primo." *Ibid.*

of justice and virtue manifestly contain the intention of the legislator and are indispensable. Laws pertaining to the preservation of the state and her protection from enemies would be laws of this sort. If, however, there are other laws specifying how this is to be done, it is easy to see that there might be cases where the literal observance of the secondary law would defeat the purpose or intention of the legislator; such secondary laws would therefore be dispensable. With regard to the decalogue, the precepts of the first and second tables, since they contain the ordering to the common good and the order of justice respectively, are simply speaking indispensable.²⁶ Were God to dispense with a precept of the second table he would contradict Himself.²⁷ Yet, the temptation of Abraham seems to imply such a dispensation.²⁸ Is Kierkegaard then right in maintaining that we are faced here with a contradiction? Is God commanding Abraham to do something which cannot but be sinful? Must we say that we are faced here with a contradiction which can only be transcended by accepting the absurd as something necessarily entailed by faith?

Abraham's consent to kill Isaac is not an assent to commit murder. To hold this it is necessary to show that God's command is not a dispensation of the natural law, Thou shalt not kill. First of all, it is obvious that one man can kill another justly. The hangman puts the condemned murderer to death and does not thereby become a murderer himself. But Isaac is no criminal. How can the killing of an innocent person be anything but unjust? "Thou shalt not kill" is indispensable

²⁶ "Praecepta autem decalogi continent ipsam intentionem legislatoris, scilicet Dei. Nam praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est. Praecepta autem secundae tabulae continent ordinem iustitiae inter homines observandae, ut scilicet nulli fiat indebitum, et cuilibet reddatur debitum: secundum hanc etiam rationem sunt intelligenda praecepta decalogi. Et ideo praecepta decalogi sunt omnino indispensable." *Summa Theol.*, I-II, q. 100, a. 8.

²⁷ *Ibid.*, ad 2.

²⁸ The difficulty cannot be avoided by saying that God did not will that Isaac actually be killed. Cf. *I Sent.*, d. 47, q. 1, a. 4, ad 1.

precisely insofar as it contains the order of justice. The precept however is quite universal; the actions which it commands are singular and the circumstances which make this or that killing to be murder or not murder are variable. It is precisely the circumstances which enter into the particular action of Abraham, his decision to kill Isaac, which save this from being murder. The most important circumstance certainly is the fact that he is commanded by God who is the master of life and death. Killing Isaac is no more unjust than is the death of any other innocent person by natural causes.²⁹ Abraham is no more a murderer than is God.

The case of Abraham involves, then, not the precept as such which contains the order of justice and insofar is indispensable, but rather the application of the principle to a particular act. With regard to this application, we can speak of a dispensation,³⁰ but this does not entail any relaxation of the precept itself. There is no question of this murder not being unjust; rather this killing is not a murder.³¹ Obviously, the authority of God is required for such a "dispensation," and such intervention is said by St. Thomas to be miraculous.³² This suggests a parallel to Cajetan. It is necessarily true that the dead cannot rise. Yet, God can raise the dead to life. This miracle does not

²⁹ "Similiter et Abraham, cum consentit occidere filium, non consentit in homicidium; quia debitum erat occidi per mandatum Dei, qui est dominus vitae et mortis. Ipse enim est qui poenam mortis infligit omnibus hominibus, iustis et iniustis, pro peccato primi parentis, cuius sententiae si homo sit executor auctoritate divinae, non erit homicida, sicut nec Deus." *Summa Theol.*, I-II, q. 100, a. 8, ad 3.

³⁰ As St. Thomas does in *I Sent.*, d. 47, q. 1, a. 4.

³¹ "Verbi gratia, *Non occides*: ordo iustitiae in hoc praecepto est quod non occidas hominem innocentem, cum ceteris conditionibus requisitis: sic enim continet ordinem iustitiae quem Deus negare non potest. Nec umquam in ordine isto fit dispensatio: impossibile quippe est ut actus iste, scilicet occidere ex deliberatione, non se vel alium defendendo, privata auctoritate, hominem innocentem, dispensationem recipiat. Sed cum Deus dispensare dicitur, ut quando praecepit Abrahamae immolationem Isaac, non relaxavit aut declaravit hoc praeceptum *Non occides*: sed facit ut actus ille immolationis non est homicidium, quia erat occisio imperata a suprema potestate, qui sine tali auctoritate fuisset homicidium." Cajetan, *In Iam Ilae*, q. 100, a. 8, n. II.

³² *I Sent.*, d. 47, q. 1, a. 4.

contradict the truth of the first proposition nor make it somehow untrue, for the dead have no natural power to rise. So, too, the prohibition of killing must be understood as of an innocent man, by private authority and with various other conditions, which when they are understood make the precept indispensable. When such conditions are abstracted, the act performed is not contrary to natural law.³³

3. *Videte ne quis vos decipiat per philosophiam.*

No historical research is necessary to see that much of Kierkegaard is a reply to Hegelian thought: this is quite explicit in his writings. The movement of the authorship, which is away from philosophy,³⁴ is away from the philosophy of Hegel. When Kierkegaard objects to speculation, it is because speculative thought had tried to account for what is beyond its scope.³⁵ The Hegelian philosophy's encroachment on the realm of virtue and of faith is what particularly irked Kierkegaard. One does not become good by thought Kierkegaard insists,³⁶ echoing the condemnation of Aristotle and St. Thomas of those who would become good *philosophando*.³⁷ In matters of faith, Kierkegaard objected to any attempt to render what is believed intelligible and comprehensible. Aside from the "absurdity" which Kierkegaard wants to attribute to faith, he seems to be making a traditional, even a Pauline, point.³⁸

³³ "Omnia siquidem praecepta haec subintellectam habent hanc clausulam generalem, scilicet quod ex naturali mensura actus isti fiant vel non fiant: sic enim ordinem iustitiae insolubilem continent." Cajetan, *loc. cit.*

³⁴ *Point of View*, trans. W. Lowrie (Oxford University Press: New York, 1950), p. 75.

³⁵ Cf. e.g., *Concluding Unscientific Postscript*, trans. David F. Swenson and Walter Lowrie (Princeton University Press, 1944), p. 274, p. 291.

³⁶ Cf. *ibid.*, p. 264, 273, 302.

³⁷ "Arguit quorundam errorem, qui non operantur opera virtutis, sed confugiendo ad ratiocinandum de virtutibus aestimant se fieri bonos philosophando." *II Ethic.*, lect. 4, n. 288.

³⁸ "Aliud est adinventio rationis, quando scilicet aliquis vult metiri ea quae sunt fidei secundum principia rerum, et non secundum sapientiam divinam. Ex hoc enim multi decipiuntur." S. Thomas *In Epist. ad Colossenses*, cap. 2, lect. 2.

If one were to subject matters of faith to the measure of human understanding, accepting only what is intelligible to us, faith would be destroyed. Kierkegaard's reaction to the rationalization of faith is to make faith absurd. If what he meant were that we hold truths by divine faith which we do not understand, there would be no difficulty. The assent of faith is not the result of the recognition that what is proposed is necessarily true, in the sense that it is so intelligible to us that we see the necessary connection of the predicate and the subject.³⁹ It is a question whether Kierkegaard can be interpreted as meaning only this. However, our primary interest here is the contradiction he professes to see involved in the temptation of Abraham.

That contradiction is said to consist in the opposition of the ethical and religious judgment of the killing of Isaac: for the former it is murder, for the latter it is a sacrifice. This contradiction involves the absurdity that Abraham as the particular is higher than the universal. In the light of the remarks of St. Thomas, it would seem that this "contradiction" is based on a misunderstanding of the relationship which obtains between the precepts of the first and second tables. (This is to interpret Kierkegaard's ethical as embracing the laws of the second table, and his religious as referring to the first table.) Since the second is for the first, it is not a contradiction of a law of the second table which prevents Abraham from being a murderer. It is not, again, that this murder is not sinful, but that this killing is not a murder. Kierkegaard's use of the qualification "teleological" in speaking of the suspension of the ethical seems to be a recognition that no contradiction is involved. Abraham is not held simultaneously to kill Isaac and not to kill him. To take the prohibition of killing as something which applies in *this* case would provide the contradiction Kierkegaard requires. We have already seen that this is not so.

It is extremely interesting that Kierkegaard calls the suspension of the ethical a teleological one. Within the ethical, one telos can be more universal and thus contain another. It

³⁹ Cf. *De Veritate*, q. 14, a. 1.

is because Abraham's telos is outside the ethical that he is distinguished from the tragic hero. Abraham's action is said to place him in an absolute relation to the absolute, unmediated by any universal. One can easily see the ambiguity involved in this approach. From the point of view of the precepts, Abraham's telos is the most universal, the common good who is God. Every act must be directed primarily to the common good in order to be good. And yet everyone is not required to do what Abraham did. How can the most universal telos be private? This indicates the basic fallacy of Kierkegaard's argument, which arises from an uncouth (on his part) confusion of theory and action. In the case of the "ethical" universal, Kierkegaard reads the prudential almost completely out of the picture. The contingent circumstances which enter into the formality of the particular act are seemingly disregarded, and the emphasis is placed on the universal principles to which appeal might be made in explaining an action to another. But that the action itself consists in an application of the universal to particular circumstances is hardly unimportant. The viewing of the particular circumstances in the light of the common principle is the judgment of prudence, and it is the very singularity and particularity of the circumstances which renders the action incommunicable. When an action is explained, it is only the major premise of the prudential syllogism which is truly communicable, for it alone is *intra limites intellectus*.⁴⁰ The assumption on the part of the listener can only be that the agent thought the principle had applicability when he acted. Now, in the case of Abraham, the theoretical justification of what he does is something more universal than the precepts of the second table, than an "ethical absolute." When God commands Abraham to kill Isaac, this act is good because the first obligation is to the common good and final end. The unintelligibility of what Abraham does is the same as that of any particular action. However, Abraham, if questioned, can "explain" what he does by referring to the primacy

⁴⁰ Cf. Cajetan, *In Iamllae*, q. 58, a. 5.

of the will of God. That his hearer might find it difficult to accept the fact that Abraham is acting on divine authority is no argument against the primacy of the common good, nor does it make the prudential decision any more incommunicable than it always is. The danger of Kierkegaard's characterization of "ethical" action as intelligible is that he would seem to be reducing virtue to knowledge, to the *speculative* certainty that what I am doing is right.

Why, if the above is correct, is Abraham's action preeminently one of faith? Kierkegaard sees the temptation of Abraham as lying in the ethical: the ethical might tempt him away from killing Isaac. The paradox consists in the fact that Abraham as the particular is above the universal. We have seen the fallacy implied in this last remark, and since it is unacceptable, so too must be Kierkegaard's understanding of temptation. Abraham believes that, even if he kills Isaac, God's prophecy with respect to his children will be fulfilled. It is this that Abraham cannot understand; only faith in God can sustain him in this trial. Any temptation, according to St. Thomas, springs from a desire for knowledge. The knowledge sought when God tempts is for others and, in the case of Abraham, our knowledge and edification.⁴¹

4. *Poetic Licence*

It is one thing to point out defects in *Fear and Trembling* and quite another to attribute these to Kierkegaard himself. Something that cannot be overlooked on coming to an understanding of Kierkegaard is the prodigal use he made of pseudonyms as tools of his indirect communication. And *Fear and*

⁴¹ "Sicut enim supra dictum est, Abraham licet multum senex credidit Deo promittenti quod in Isaac benedicturus esset ei in semine, credebatur etiam Deum posse mortuos suscitare. Cum ergo praecipiebatur ei quod occideret, non erat spes ultra jam Sara valde antiqua, quia Isaac erat jam adolescens, posse habere filium. Et ideo cum crederet, obediendum mandato Dei, non restabat nisi quod crederet resuscitari Isaac per quem debebat vocari semen (. . .) Hoc ergo fuit argumentum fidei maximum, quia articulus resurrectionis est unus de majoribus." *In Epist. ad Hebraeos*, cap. 11, lect. 4.

Trembling is not offered under Kierkegaard's own name, but under that of Johannes a silentio. This book is a piece of a larger puzzle, the complete aesthetic production, which has been called Kierkegaard's existential dialectic, and it can only be understood in terms of that whole.⁴²

The thing that must strike the student of Kierkegaard is that *Fear and Trembling* adopts a view of ethical action which does not fit in with that expressed in works closer to the mind of Kierkegaard himself. And, when one reflects that the story of Abraham and the "ethical" judgment of it is intended to prepare the way for the leap into the authentically religious, it seem to become quite clear that Kierkegaard has consciously adopted an Hegelian view of ethics in order to show its inadequacy as an analysis of human action.⁴³ To identify the ethical with the universal, with what is acceptable to the community and is public and intelligible, is something Kierkegaard would never do in his own name. (And, of course, the ethical of which it is question here is the prudential.) In the *Postscript*, which is close to Kierkegaard's own view and hence bore his name as responsible for publication, the incommunicability of the prudential judgment is stressed at great length, and the chasm between knowledge and virtue is drawn in an unequivocal way. In other words, the view of the ethical which we find in *Fear and Trembling* is accepted for purposes of the dialectic which has as its goal to bring the reader of the entire literature to a realization of what it means to exist as a Christian. Far from expressing his own thought on the ethical, *Fear and Trembling* can be shown to be inconsistent with Kierke-

⁴² In "Ethics and Persuasion," *The Modern Schoolman*, XXXIII (May, 1956), 219-239, I attempted an examination of Kierkegaard's method of communication and tried to show the importance it has for a proper understanding of the pseudonymous literature.

⁴³ In the introduction to the *Philosophy of History*, Hegel identifies moral goodness with conformity to the customs and laws of the state. The Reason which unfolds itself in history achieves its goal in the state. It is in the same place that Hegel identifies "what is" with "what ought to be" which is the destruction of ethics. That is why Kierkegaard often says that Hegelianism has no ethics.

gaard's own views as set down in the *Postscript*, the *Journals* and elsewhere.

What cannot be exempted from criticism, however, are the views of faith as a movement in virtue of the absurd and of the primacy of the private relationship to God as amounting to the primacy of the private good over the common good. These would seem to be Kierkegaard's own views. If *Fear and Trembling* is, from the point of view of faith, a *reductio ad absurdum* of Hegelian ethical theory, it contains as well the reducing of the act of faith to something absurd. It has been suggested above that the Kierkegaardian "absurd" may be susceptible of an interpretation which would make it acceptable, but it would appear that this is to introduce precisions that Kierkegaard did not make.

Kierkegaard once described himself as a young man sitting in a park, enjoying a cigar, as he asked himself what he could devote his life to. In considering the tempo of the times, it seemed to him that everyone was bent upon making life easier and easier in virtue of thought. It was then that he resolved to make things difficult again. His literature is an attempt to show that it is not easy to be as one ought to be, that one does not become good simply by taking thought. That literature is a provocative one and that it has had an ever-widening influence it would be folly to ignore. The student of Kierkegaard must agree that the Dane has succeeded in his task. Not only has he shown that life is a difficult business; he has also presented his argument in such a way that it is no easy task to follow him through a mass of works which are forever adopting new vantage points from which to view human existence. If we overlook the teleology of the literature as a whole, if we fail to take into account the role of pseudonymity, such a book as *Fear and Trembling* could lead us to attribute to Kierkegaard himself shortcomings in ethical theory that he was in process of pointing out.

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CONSIDERATIONS FOR PHILOSOPHERS OF ACTION

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THROUGHOUT the history of philosophy we have experienced radical opposition between some of the major systems of thought. Whether between materialists and idealists, mechanists and formalists or any of the dichotomously ranged philosophies the result has generally been the severing of the naturally united co-principles of corporeal substances. From the ancient Greek atomist, Democritus, up to Descartes and the legion of Cartesians the intrinsic union of matter and form in physical substances has very often been denied.

Now while it may not be precisely the same problem which is causing the major rift between contemporary schools of philosophy, it is another serious dichotomic struggle which is as dangerous and as unwarrantable as the age-old one between materialists and idealists. We have in the twentieth century, among many others, the opposing schools and their various derivatives of ultra-dynamic existentialists and radical theoretical essentialists. The latter insist too strongly on the importance of the formal element—the intentionally grasped or intelligible part of existing and possible beings, while the former seem so preoccupied with the concrete action of singulars that they have lost sight of both the principle, or source, and the very end of these actions. The essentialists are so buried in speculative considerations of the formal cause that they fail to appreciate the fact that only through continuous becoming do physical substantial beings ever exist. And the dynamists are so fascinated with actions as to abstract them and actually separate them from their efficient causes.

The same old errors occurring in successive centuries should make us at least somewhat suspicious of our method of pro-

cedure and some of the traditional textbook descriptions. For it is surely not the world of substantial beings, nor the mentality of man, nor yet the constantly moving and accomplishing powers and forces at work in nature which are at fault. The clue seems to lie in the unrealistic separation of truth, which is so characteristic of modern philosophy and science. If we go back several centuries we will find much more unified studies of the universe of lower creatures, man, and even spiritual substances. Aristotle's vast works are an example of wonderfully unified and systematized knowledge. And among the scholarly medievalists we find again that same wholistic view of things. St. Albert the Great united knowledge of the lowest natural sciences with all other sciences in a hierarchical order. St. Thomas Aquinas integrated the whole gamut of knowledge of philosophy of nature, man and God and completed and crowned it with a complete system of theology.

Among philosophers from the fifteenth century forward we find the tendency to assign to philosophy chiefly the speculative work of defining natures. To the physical scientists was gradually allotted the task of "experimenting with," measuring, and writing up the quantitative equations for the moving phenomena. The effects or products of movement were generally given over to some special science or art. Gradually the devotion to quantitative measuring and comparison became so popular that by the twentieth century we have almost lost sight of essentially qualitative distinctions and comparisons, which should be used to clarify our knowledge of the qualitative aspects of motion. Finally knowledge has become so scattered that in disgust some thinkers have begun with movement at the outer fringes of things in an attempt, as it were, to "work their way back" to truth. It is much like working a problem in mathematics backward to arrive at the given answer.

This is an age in which it is necessary that well trained philosophers be ready in the spirit of Christian charity to explain both the truth of principles and their application in available terms. It is not expected of them, and indeed it would be an understandable catastrophe, to surrender sound estab-

lished systems to the false zeal of some of the modern "dynamists."

ORDER IS ALSO PHILOSOPHY'S "FIRST LAW"

There is today grave danger of a confusion of orders in the science of philosophy. People seem to want metaphysics to speak in the language of empirical psychology. Philosophy of man is confused with dynamic psychology, and ethics is asked to take on the function of psychiatry and settle all the questions about individual aberrations. Men, with very ordinary educations, suddenly seem to want to know all of the answers about man in the vast fields of religion, philosophy, and psychology. Now, would they be able to handle all of the questions in the field of medicine? Or do they try to master trigonometry and calculus without the study of lower math.? Surely no one would take advanced chemistry or bio-chemistry before introductory chemistry. Why then are we trying to pack into one book or one course, usually called "existentialism" of a kind, such profound mysteries as existence, the subsistent incommunicable being, the internal act of the evaluating judgment, freedom of choice, etc.?

A man who has little ability in logic and apparently none in epistemology writes about the failure of Thomists to elucidate in their terms the act of existence of one man, the "self." While all of the time the subsisting individual person is being treated in philosophical psychology, moral studies, and metaphysics by sound Thomistic writers. The complaint about the neglect of Thomists to explain "subjective" being is launched by writers who themselves give evidence of not being aware of a universe full of objective beings—individual members of a species—whose natures we do well to understand fairly well, and of whose existence we can at least predicate in a sound judgment. After that, it is true, the great act of existence, possessed by individuals, takes us into the mystery of participation which men have been wrestling with throughout all ages. The monistic philosophies, most of which are in the Orient, are for the most

part pantheistic; and many of the dualistic philosophies found in the West are, since the sixteenth century, materialistic or at least mechanistic.

The principle task which we undertake in this article is to consider something of the unity of action in four of the main orders of man's experience, viz., nature, art, morality, and spirituality. The end proposed, to learn more about the unifying of actions with the actor, movements lost in time and enduring movers which cause them, non-recurring actions and their qualitative lasting effects, especially in the case of man's development. Now this is surely nothing new. We are only offering the suggestion that more consideration and explanation be given to the action aspect of philosophy. For this seems to be the area into which men naturally wander, get "quagmired" in problems, and require the aid of both natural and supernatural sciences to extricate them. But we must first realize that there is not to be found some sort of "Open, Sesame" in a new philosophy of action which will explain this great dynamic universe for the first time. We have to grant that the phenomenon of motion has challenged men and been worked upon from the very beginning of the most ancient philosophy, e. g., primitive animism which attributed a separate spirit for every movement. Honest and scholarly students will also admit that perhaps the most significant contribution made by a single philosopher of motion was that of Aristotle in his explanation of change in the physical order through the principles of act and potency in things.

We must also admit what constitutes some of the fundamental questions in a philosophy of action, not separated from philosophy of being, but unified with it. For these are not two separated orders, but only one order of being, i. e., contingent, ever operating and accomplishing in order to achieve its perfection and end. And it is only in this unified wholistic view of reality that we can finally hope to understand it. We shall then accept as some of the most significant considerations for true philosophy of action: first, the unity observable in the steady recurrence of characteristic actions found in creatures following

their natures is not adequately explained by the many diverse powers and actions, wonderful though they are. Their very diversity is qualifying and points to something interior, qualitative, and unifying. Secondly, actions are never for mere action's sake but are related to something both at their beginning and at their end; they are therefore seen to be relative, and to be regarded as means to some end. Thirdly, those things to which actions are necessarily referable are at their beginning, the efficient cause of them, and at their termination, the purpose, or final cause of such actions.

UNITY IN PHYSICAL AND PSYCHIC LIFE

Both in school and outside of it the first thing that one is asked to do in any science is to observe—look with some kind of attention. If we observe some moving phenomenon of nature we discover that there is a kind of unfailing steadiness which gives a unity to the non-reduplicative single acts. Now this unity is a qualitative thing, manifesting an interior principle which must be capable of generating such unified actions. For example, it has long been known in physical science that silver heats to a much higher degree than milk, and the latter to a higher degree than water. Such measurable statistics are very elementary knowledge. But the characteristic of movement in expansion, caused by the heat, with greater vehemence in silver than in the other two liquids is not just a quantitative fact. The power which maintains the unfailing, recurring phenomenon has been simply dubbed a “law,” too often without any thought of what is involved. True, the more thoughtful mind upon reflection, grasps here something of the interiority of nature and admits a certain absoluteness. Such thinking thus gets closer to the profound secret of formal unity. But this may sound to some entirely too metaphysical. We proposed to use the more immediately observable phenomena in a kind of experimental approach to help to bridge the chasm between the orders of absolute principle and accidental actions.

Let us then begin on the level of observable physical nature.

Everyone will surely accept as a frame of reference the wholeness and unity of bodies. If they are intrinsically immobile they can be moved at once i. e., all parts together, by some extrinsic force. And if they are living they move from within, both with respect to quantity of the whole, i. e., growth, and functional operations of the parts or organs. The first criterion of a healthy organism is harmony and coordination in the operations of the parts. If one organ is unhealthy the whole organism suffers, and if it is not treated death can ensue from the infection. One diseased organ has a qualitative effect leading to the deterioration of the whole organism.

In man, any permanent physical disability usually affects the equilibrium of the whole person. It has been observed that the physically handicapped person lacks a certain sense of security and self assurance. His conquest of reality is more or less threatened by his affliction. Bodily integrity and wholeness gives to a person a kind of consciousness of vital power. This seems to be required as the first and most elementary step for attaining natural stability in the child. Doctors and psychological case studies have pointed out that the expression of the whole personality is often affected by the vitality or health consciousness of the person. Some temperament traits such as energy, excitability, irascibility, stolidity, cheerfulness, etc., arise partly as reactions to the feeling or lack of feeling of well-being. The whole nervous system, to say nothing of the endocrine glands, affects both quantitatively and qualitatively the stimulation of sense appetites and are thus able to affect in part the harmony or disharmony of emotional life. It is well known that a calcium deficiency in the blood heightens excitability in the organism and thus gives a more active temperament. Yet this is not to reduce man's conduct to mere biochemistry, pan-psychism, or modern mechanism. For again by reason of an intrinsic natural unity, psychic implications arise by reason of intellectual insight and interpretations, which are brought to bear upon the lower powers and their activities.

It must be said here that the contributions made in this century to psycho-somatic medicine and therapy are a credit

to science and scientists. But it must also be admitted that some false and dangerous theories in biology have emerged from the oversimplified views of the living organism, arising from accepting the whole as a collection of parts. Studying the parts, i. e., separate organs, cells, molecules, atoms, and sub-atomic particles individually has yielded much valuable knowledge. But it has also been the basis for that intellectual temptation which might be called "quantitative" conclusion—a mere adding of parts to arrive at the whole.

And here is where a science of the dynamic, living functioning, organism parts company with the pure sciences of chemistry, physics, and mathematics, and can find no rapport with that mechanism which attempts to explain life in terms of physico-chemical or mechanical reactions. Mechanists maintain that the pattern into which particles of matter are arranged in a cell is purely the result of random movements and reactions of particles. This, of course, is a denial that natural processes tend to preordained ends. The mechanistic theory may not appear so inadequate until one considers that an average cell contains 1,000 to 2,000 different enzymes to catalyze, a corresponding number of reactions, and these reactions coordinated so that the continuous synthesis and breaking down processes in the cell, occur at equal rates. This seems a little too complex to hold that it takes place through random movements.

Pavlov, who undoubtedly contributed to the field of research in neurological conditioning, was an extreme mechanist. He finally considered human actions as due to the synapses of neurons. And he reduced man's free, moral, and even religious actions to high types of conditioned reflexes.

Panpsychism, a bio-psychological theory of the nineteenth century with some adherents in the twentieth, goes to the other extreme and places a psychic process within the cell itself. That is, the cell tissues actually know what they are about in metabolic structure. Here all living processes seem to proceed by cognition and appetition. This strange theory seems to be seeking an answer for finality in things, and since final cause

requires a mind they place it in the living cell. In neither of these reductive systems is there a proper relating and uniting of actions to their principles and ends. Obviously the true explanation of the actions proceeding unifiedly from a single being is not to be found in any particle theory. We might very well apply here appropriate lines from Goethe's *Faust*. Mephistopheles, speaking to the young man studying natural science, describes the materialistic method in these words:

Whoever wants to study and describe a living thing,
First drives the spirit out of it;
He has indeed the parts in his hand
Unfortunately what is missing is the spiritual link.

Thus, whether scientist or philosopher, we must bear in mind that it is the whole organism which is responsible for causing the biological and chemical changes necessary for muscular contraction or glandular secretion, etc. The living thing is both agent and patient which builds as it functions and functions while it builds.

UNITY IN THE ARTEFACTS OF MAN

The science of psychiatry has discovered that emotional integrity and health can be restored or at least improved through the practice of occupational therapy which employs simple forms of art. Through the synchronizing of clay, wood, cloth, and other media and an imaginative pattern the patient concretizes with his hands some personal idea and desire. The senses, mental powers, emotions, and indeed the whole body share in this original "creation." The patient has his own mental product and, in a sense, loves it and executes it, however poorly. Herein, may be seen the analogy of the working man to His Creator. Marxism holds that man has reached his stature essentially when he is able to apply the means of production to his livelihood. We hold that the work of the artist and craftsman is a blessed means of fulfilling his personality. In this does he resemble his Creator,—that he is bestowing something good on the whole community, in seeing that

his work is good, taking delight in it and enjoying the execution of it as perfectly and beautifully as possible. This is why we believe that machines, no matter how powerful and useful, will never give workmen the same real satisfaction that working at a trade or craft does. A machine cannot call forth a man's powers of mind, heart, and hands; it cannot touch his feelings and imagination in the same way that his art does, no matter how humble it may be. The planning, the efficient skill and the purposive direction to end is a whole world of accomplishment.

It is significant also that some highly talented people have avoided the idiosyncracies of "genius" behavior and maintained a fine unity and integrity in the expression of personality through the satisfaction of concrete productions of their art. There can be an exquisite harmony existing between the highest powers of intellect and will, the emotions, the senses, and last but not least, that mysteriously fashioned and skillful instrument, the hand, which confers physical form in the concrete instance. Father Boulogne, O.P., in his excellent work, *My Friends the Senses*, says, "Great musicians would not be possible if the hand were not susceptible of being literally and fully synchronized to the least vibrations of the deepest emotions of the heart itself. . . . The hand relives and incarnates, in the most positive and active sense of the words, what the artist feels in his most secret heart."¹ Thus the conquest of matter including sound which the artist accomplishes through his senses, emotions, spiritual faculties of intelligence and will, and efficient skill all flowing from his person through expertly trained hands is a beautiful and mysterious analogy of his Creator.

The operations of so many different powers flowing into a harmonious and integrated whole product of art surely demands an intrinsic unifying principle of action. It is to this fact that extremists in either direction—activists or formalists—ought to give their attention. For it cannot be denied that the existing single, non-reduplicative actions proceeding from an

¹ Boulogne, O.P., *My Friends the Senses* (New York: Kennedy, 1953), p. 125.

agent or actor spontaneously, consistently, deliberately and purposively are the signs and the inferential data pointing to what we recognize as the internal nature, often called the formal principle. This then is the inner nature which spontaneously "acts out" its many propensities or capabilities.

UNIFORMITY IN NATURAL GENERATION

But if we are to avoid confusion about the term "nature" as a principle of movement we shall have to make, at this point, a distinction well known to students of St. Thomas. In a proper and quite strict sense "nature" designates the principle of those characteristic spontaneous actions found in every moving physical being.² These are the actions which manifest steady, orderly, purposive behavior, and we may say, are actually the basis for any physical science. And these are the actions which we have spent some time observing in man from the point of view of natural, psychological, and artistic behavior. These are the *natures* with which we have experience for they exist as concrete individuals.

But in the philosophy of St. Thomas the use of "nature," as given above does not mean the *principium motivum* or principal mover, (i. e., efficient causing of becoming) of the physical being, a subject with its own spontaneous actions and characteristics. In short, every physical substance, being contingent, depends upon a moving agent to proximately move it into existence.³ But once an individual substance with its essential matter, form, powers, etc., is in existence, it acts spontaneously, regularly, and characteristically manifests its inner nature. There is no need to refer to the secondary efficient cause of its becoming as exerting any necessary action on this new active individual nature.

Yet there is the consideration of continuous unity within generated species (i. e., specific natures) which might be called perpetuity in generation. Now it is beyond all question that

² *Summa Theol.*, I, q. 76, a. 1; *III Cont. Gent.*, c. 69.

³ *III Cont. Gent.*, cc. 82, 84; *de Potentia*, q. 5, a. 5.

individual members of all species exist only in the singular and concrete. And it is also just as certain that these had to be moved (or generated) out of potentiality, and not from nothingness. That is to say, that each one of these natural realities now existing, had to be moved into actual existence by an already existing agent or efficient cause, capable of such effects.

Concerning the explanation of the very power to exist and the meaning of existence as uncreated and unlimited, and created and limited, I have treated in another place.⁴ This is a subject which would involve us in a further discussion. But we are here concerned with the uniformity of the common natural phenomena enduring, we may say, in time through centuries and in place, in each substantial member of a given species. We must admit that where there are constantly manifested activities and achievements, uniform in all individuals of one class, or natural species, something has to be granted to the progenitors which immediately moved these individuals out of potentiality. For these unified, steady, characteristics did not start spontaneously in one era. Otherwise, they would as suddenly cease to be in another era. It cannot be claimed that time, place or inert matter is sufficient to answer for the steadiness of principle necessary as the source of those constant unchanging, spontaneous movements recurring throughout centuries in millions of individuals precariously existing. These uniformly and constantly perpetuated characteristics manifested as natural in the numberless concrete, generated, changing, perishable, single existing substances demand some kind of permanent natural principle to explain them. If anyone objects to the simple Aristotelian and Thomistic term, *form*, to designate this active unifying principle within single things, as well as the principle of unity responsible for the unified perpetuation of typical characteristics within the order of generated substances, I say, if he objects to the term "form," let him

⁴ "Historical Sketch of the Theory of Participation," *The New Scholasticism*, XXVI (Jan., 1952), 49-79.

assign another term of his own choosing. But I dare say, he will meet the same questions to be answered.

UNITY IN MORAL ACTIONS

In the order of morality, action is par-excellently the primary consideration. Human actions constitute the very essence of morality and there is no study of moral theology or moral philosophy apart from such actions. The first and most important consideration concerning these actions is again unity. For the conformity or non-conformity of a person's actions with the principles laid down by right reason is the first measure of morality. This, of course, requires a unity more difficult to attain than any we have yet considered. For the complex elements to be synchronized include an actor with actions directed to some end, and an objective measure as well as a subjective measure of the goodness or badness of the actions of the responsible actor. The general principle of morality, Do good and avoid evil, is accepted by all civilized people of the earth as the objective measure of good conduct. The evaluation of a singular situation by the practical judgment, and the application of the general principle known by the intellect is the subjective measure of a person's actions. Thus in the moral order we again find undeniable evidence for an underlying unifying principle, for the intellect with its speculative knowledge of principle, the end, the singular evaluating judgment able to direct actions towards means to the end, and the consequent action of the free will. There is, of course, the resulting human action which, as we have said above, cannot be answered for if isolated from the actor or his purpose of action.

The study of morals makes no sense apart from the singular actions of an individual responsible person. It is the common experience of men, that is, commonly observable that people may, and do, perform both good and evil deeds. Reason declares that it is a man's actions which render him good or evil. At the same time by the very fact that there are general principles of conduct accepted as measuring human actions,

we must accept that there is a science which aids in training individuals morally. The understanding of moral principles, correct attitudes of mind, the formation of good habits and the "spirit vs. letter" application of laws all enter into character training.

Aristotle, one of the greatest ancient pagan ethicists, and St. Paul, that powerful missionary during the first century of the Church, both insisted that it requires good actions to produce good men. Referring to the Olympian games, by way of an analogy, Aristotle declared, "It is not the most beautiful and strongest persons who receive the crown, but they who actually enter the lists of combatants, for it is some of these who become victors." (*Ethics*, I, 6). And St. Paul, writing to the Corinthians about the pursuit of goodness and overcoming evil, warns them, that not all who run in the race will necessarily win a prize, but only the victor. And he concludes with the strong admonition, "So *run* that you may obtain." (I Cor. 9:24).

Because of the importance of prudential reasoning which must apply good principles in singular cases in order to produce good actions it is often remarked that the immature are not proper subjects for political offices. They lack the experience of the actions of life which form the premisses and subject of such reasonings.

There is no doubt that the existential actions which flow unifiedly from a being are the most interesting things about it. And what they effect seems more immediately important than the mental conceptualizing of the actions, their source, or their ability to be analyzed. Certainly myriads of actions in the works of mechanical, utilitarian, and practical sciences and arts must proceed without very much reflection on their intelligibility, analyses, etc. Yet, in the realm of moral actions we are in an order of operation in which the knowledge of the internal nature of man, the intention directing his action to its end, and the power to control and change the course of his actions makes all the difference in the world. In fact, this constitutes the very basis for a moral science. Judging by the existential action

alone, the philanthropist, who for political prestige, donates a large sum of money to get a disreputable section of a city cleaned up is as worthy of merit as a man who out of pure charity donates the same amount of money to the poor for the love of God, Who made us all brothers in Christ.

UNITY IN SPIRITUAL ACTIVITIES

For the ancient Greek philosophers man was the center of the universe and all things were considered in relation to him. Their devotion to anthropomorphic gods and all too human deities seem to have marked the Greeks in general as more practical, humanistic and imaginative than their Oriental neighbors. In contrast the speculative, contemplative mind of the Oriental centers on supreme reality, Absolute Being, and considers the whole universe in relation to this first principle, e. g., the Hindu concept of Brahma. Now, most of the Western nations having received Revelation with its New Law centered in Christ, actually can be, and in some cases are, more pagan than the East. For unless the West accepts man in his rightful relation to Christ our civilization is not "centered" at all. The principle of unity which should be there is lacking and we have regressed several thousand years. Indeed, we are right back with the ancient Greeks, who set man up as a kind of deity.

The diversive thinking in the West which grew out of the so-called Reformation and the Renaissance, has gradually moved to separate men from Christ and consequently from God. Thus, we must consider now the need of the most powerful unity of all—spiritual unity. It is surely clear to us that any kind of unity requires the presence of more than one element to be united and an action which unites. Now complete union with God is not possible until the soul is wholly in His presence in the Beatific Vision. Here God's action, in the last grace given to the soul, effects blissful union. But partial union is not only possible but necessary in this life if man is ever to reach his complete union with God in heaven. Because man has no natural principle or power of his own able to effect his

spiritual union with God by a natural spontaneous movement, it is necessary that the action come from God, Himself. And this is exactly what happens in the infusion of divine grace, a free gift from God endowing the soul with spiritual life and strength. It is as easy to believe that a living physical body could stay alive without food and drink as to believe that spiritual life and health can be in a soul without the infusion of divine grace.

This union accomplished through grace has the effect of not only uniting a soul with God, but also uniting it with every other member of the Mystical Body. Christ promised to His Apostles, this union with Himself and among the members of His Church.⁵ He compares the union of the members of His Mystical Body with the Father and Himself to the branches of a healthy vine. Such an endowment in the soul of a person lifts him above the frailties and failures of human nature, and integrates the whole person more beautifully than moral unity alone can. The old Greek philosophers, at the summit of their philosophizing sketched an edifying picture of man as a kind of moral work of art. But it is a description of an isolated individual apart from his fellow men in whom easily springs envy, jealousy, and hatreds. There is no place here for the realization of the sublime vocation of being a part of Christ's actual redeeming act, of dying and rising gloriously with Him.

St. Paul has told us that all things are gathered together as in one Head under Christ. It is through this perspective that we catch the true meaning of restoring all things in Christ. When the universe is accepted as belonging to Christ and returned to Him formally, through intention, by man in deliberate acts of worship—essentially the Sacrifice of the Mass, then will we all truly appreciate and enjoy our own being and that of all creatures. And we must not lose sight of the marvel of great *actions*, as well as intentions, in the Mass itself. For the Mass is a great ritual action and prayer, wherein Christ is offered thousands of times daily for the salvation of all men.

⁵ John 17:22; I Cor. 12:12-26.

Here the sacrifice of Calvary is re-enacted sacramentally time after time, throughout the years and century after century. By the very means of signs and actions men can participate in this powerful mystery through their own intentions and actions. But their actions, prayers, intentions, and offerings must all be sanctified or rendered holy by Christ. They must become incorporated in His own Sacrifice for only through our Head, the Redeemer and Sanctifier can the members of His Mystical Body be recognized. Offering Christ's holy Sacrifice to the heavenly Father, the Catholic offers also his own soul and body united with the words and actions of the priest in the Mass. Our lives and all of our offerings are united to Christ, our Head, and by Him offered to the Father. Here all of our actions and accomplishments receive their true evaluation in the divine estimation. Here the act of existence, that mysterious endowment of every creature, takes on its true meaning and dignity. Transcending time and space, all things fit into God's plan and the eternal order of being. For all creation was, is, and will forever be for the sake of Christ the Son of God in Whom we live, move, and have our being.

CONCLUSION

In conclusion we must grant that philosophers will always have difficult considerations and some unsolved problems where the natural mysteries of being and motion are concerned. And we must remember that it is a prerogative of the human mind to divide or rather to distinguish the different constitutive parts of things, and to compare parts with parts, parts to wholes, and whole to whole. The very process of judging requires comparison. In the realm of physical creatures and sciences which deal with them, the mind distinguishes matter from form, motion from rest, substance from accident, quantity from quality, etc. In the science of mathematics, judgments are largely concerned with quantitative comparisons. For such thinking there must definitely be two univocal concepts for the act of comparison.

But in the realm of metaphysics a powerful attempt is made to see every kind of being—the whole of creation unified under being. This is the unity found in metaphysical wisdom. Yet the concept of being itself (below that of Infinite Being) has to be considered under a dual aspect if we are to see it realistically. For as we actually experience what it is *to be*, i. e., to exist, we find it in some individual substantial nature that has been endowed with its existence. In short it has come into the universe or “become” as we said above, through a cause entirely outside itself and it begins to operate spontaneously from within. So, though the concept of being seems to be the most comprehensive and unifying of all our concepts, there is yet the duality involved in the judgment of existence, and there are at least degrees of difference between the beings compared and united within the vast concept of being.

Now in all of this heterogeneous universe of actions flowing from beings it might seem that these myriads of actions could not be of much help to us in attaining unity in our considerations of the many kinds of beings that we experience. And yet, the actions belonging to beings provide one of our very best opportunities of returning to unity in philosophy and the allied sciences of psychology, sociology, and the natural sciences. Actions considered as isolated are unexplained and are even unintelligible. There has always been a sane activism and even a “phenomenology” in a correct sense in the philosophy of St. Thomas Aquinas. For him actions are always of the supposit or individual, and are distinct from their generator as accident from substance, and from each other by distinct rest. Movement is looked upon as something necessary for any change. A single being is acquiring something new or getting something done. What is accomplished has a purpose, i. e., serves the end of this creature in nature, and within this consideration actions take on their explanation and importance.

In a sound philosophy in which things are considered as found in reality—in dynamic natures, there is no question of the mind’s failing to interpret the existential order. It is engaged

in just that. For, it proceeds, as is most natural for man, to the analysis of things in the universe through a consideration of the operations or actions which indicate the kind of powers from which they flow. Out of this reflective process using both induction and deduction we finally arrive at a better understanding of God's created universe. We discover that all creatures are ordered to actions which help to move them towards their own perfection and end, thus glorifying their Creator. Man thus sees himself in the midst of a kind of infinity of movement wherein he is moving towards both secondary ends and his ultimate end. His operative powers have been given to him for that purpose. And his very powers and actions become modified for better or for worse through the acquisition of qualities known as virtues and vices. And man must recognize also God's creative act continuously acting, loving, and diffusing goodness. If man does not see this in the order of contingent changing things, he sets up his own pseudo order with his peculiar solution. He may even get transcendental as some Eastern philosophies do, e. g., in Buddhism. Or he may take everything, including his ultimate destiny, into his own puny hands as radical existentialists do. And here he will declare his freedom a "naught," and his being, some sort of "opaqueness closed in upon itself." Anything like permanent being for this school turns out to be "nausea."

But there is no action, after creation, so important for man as God's coming among men in the Incarnation. Jesus Christ assuming human nature gave an entirely new state to fallen man, through the Incarnation and Redemption. A new power of action—supernatural action, was made possible to the soul of fallen man through the grace merited for him by Christ. A new life, the life of sanctifying grace, makes man a participator in the divine life which more and more perfectly unites him to the triune God preparing him for eternal union in the Beatific Vision. And in closing we recall briefly the beautiful doctrine of the Church concerning man's ability for activity in heaven. In the Beatific Vision God's uncreated "energy" flows freely and unimpeded to the human spirit supplying all needs of the

human person. Then, we will no longer look solely to our human "energy" to live and operate, for we will be eternally alive in God, the unfailing Source of Life.

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THE PHILOSOPHY OF NATURE AND NATURAL SCIENCE FROM A THOMIST VIEWPOINT



THE title of this study contains three terms which require some clarification: "philosophy of nature," "natural science," and "Thomist." The first two, of course, cannot be very much clarified at this point, since it is the purpose of the entire article to discuss their distinction one from the other. We ought, however, to begin with some kind of nominal definitions to indicate where the regions in question are to be found on the general map of knowledge. We might start by saying that the philosophy of nature is that knowledge of the physical universe which is sought by philosophers, while natural science is that kind of knowledge of the same physical universe which is sought by scientists. This scarcely seems sufficient, even as a merely nominal definition; but it is difficult to say more without immediately launching into the main theme. So we shall go on to our third term—"Thomist." What makes one a Thomist could quite well be the subject of another article, or perhaps a book. But briefly, to me a Thomist in the philosophy of nature is one who has adopted St. Thomas' philosophical perspective of matter and form, together with his general view of order and difference in knowledge based on differences in what is known, on levels of intelligibility and differences within those levels within the object itself, or what is saying the same, within being itself. This study is an attempt to use these Thomistic notions in order to see some distinctions and relations between the philosophy of nature and the natural sciences. Conspicuous by their absence, however, will be the usual collections of textual references to St. Thomas; for this is written from a Thomist viewpoint and not from that of St.

Thomas himself, who did not, it seems to me, have a fair chance to express himself completely on a problem which was not properly clarified until hundreds of years after his death.

I. ANCIENT VIEWPOINTS AND THOMIST COUNTERPARTS

The question of the precise relationship between the philosophy of nature and the natural sciences is the subject of much discussion among Thomist philosophers at the moment. This question has been with us ever since the clear distinction (at least *de facto*) between philosophy and the natural sciences began to emerge. Just when this distinction first appeared cannot be ascertained with certitude, although we have the testimony of Simplicius to the effect that Plato posed the problem of "saving" the astronomical phenomena to Eudoxus.¹ The process of differentiation has been extremely gradual. It began to appear in Aristotle as an already accomplished fact in at least one realm—that of astronomy.²

The problem of the relationship of astronomy and philosophy is discussed in some detail by Geminus, a peripatetic of the first half of the first century B. C., in a text which has been transmitted to us by Simplicius.³ In this text, Geminus states that the astronomer accepts physical principles from the philosopher of nature at the outset of his science and goes on from there.

This view, extended to take in not only astronomy but the other natural sciences as well, has had a rebirth in recent years among Thomists, and is held in one form or another by quite a number of present-day Aristotelians who are Thomists. In this group there is a general tendency to deny the autonomy of the natural sciences and to assimilate them to the philosophy

¹ *Simplicii in Aristotelis De Caelo Commentaria*, edidit J. L. Heiberg, *Commentaria in Aristotelem Graeca*, v. 7 (Berolini, 1894), p. 488 (II, 12, 219a 37-44).

² *Beta De Caelo*, 10, 291a 29-32; 11, 291b 21-22; *Lambda Metaphysicorum*, 8, 1074a 14-17.

³ *Simplicii in Aristot. phys.*, ed. Diels, *Commentaria in Aristotelem Graeca*, v. 9, p. 291, l. 23-p. 292, l. 29.

of nature (and to deny them the status of science insofar as they are not thus assimilated). The common denominator of the groups seems to be the ideal of a single science of nature in which the philosophy of nature is either the principal or the only factor—an ideal which had fallen into considerable disrepute even among Thomists until it was once again enunciated in 1936 by Fernandes-Alonso.⁴

But the view of Geminus is not the only view of the relationship of philosophy and science which may be extracted from ancient writings. Two centuries after Geminus, Claudius Ptolemy conceived of astronomy as a science quite distinct from and independent of the philosophy of nature, astronomy being ordered to "save the appearances" by the use of hypotheses which might or might not be derived from "physical principles."⁵ The philosophy of nature itself does not seem to have been very much in the mind of Ptolemy when he wrote the *Syntaxis Mathematica*, but there is evidence that he did admit the truth of some propositions which pertain to the philosophy of nature and not to astronomy.⁶ He certainly was in possession of a considerably developed methodology of astronomy, which was ordered toward the construction of a hypothetico-mathematical system based on observation, but itself a construction of the reason.⁷ Astronomy is thus not a science of the real as such but rather a geometrical construction to unify and predict phenomena. Ptolemy himself realizes the unreality of his constructions.⁸

This ancient view concerning the nature of astronomy has a much more elaborate counterpart in the positivistic conception of natural science which is in vogue among some Thomists today. According to this view, the natural sciences merely

⁴ "Scientiae et philosophia secundum S. Albertum Magnum," *Angelicum* (1936), pp. 24-59.

⁵ *Claudi Ptolemaei Syntaxis Mathematica*, ed. J. L. Heiberg (Leipzig 1898). Bk. I, ch. 2, 8; III, 1, 3; IX, 2; XIII, 2.

⁶ *Ibid.*, I, 1 (passim); I, 3; XIII, 2 (p. 532, lines 14-19).

⁷ I hope to write a paper soon concerning this point.

⁸ *Op. cit.*, XIII, 2 (p. 533, line 10-14).

correlate phenomena through constructions of the reason; thus these sciences do not have relevance to the philosophy of nature, which itself is even assimilated to metaphysics by some. This view is, of course, an extremely comfortable one inasmuch as it enables the philosopher to pursue his investigations without much regard for the natural sciences, and the natural scientist to pursue his research without much concern with philosophy. The general tendency of this group, allowing for internal divergencies, is to allow for many natural sciences with a complete cleavage between the philosophy of nature and these sciences. The latter are conceived as being in no way dependent on the philosophy of nature. Indeed such an extreme correlationist view of these sciences seems to be quite reconcilable with a phenomenalist view of nature in which the philosophy of nature, as conceived by Thomists, would cease to exist at all.

Returning once again to Ptolemy and reading the *Syntaxis* closely, we find something more to his overall view of astronomical knowledge than the purely ideal construction that we have spoken of. In the last book of the *Syntaxis*, Ptolemy gives a brief physical interpretation of his constructions on the basis of opinions which properly pertained at that time to the philosophy of nature.⁹ He had already stated these opinions in the first book, prior to the construction of his astronomy.¹⁰

This is as far as Ptolemy goes, but may not one draw out the implications of this idea of philosophical interpretation to astronomical theory? Besides giving a physical interpretation to astronomical theory, the philosopher of nature may himself learn something from the astronomer inasmuch as the observations of the heavens demand a theory far more complex than, say, the homocentric spheres of Aristotle, and seem to demand that the heavenly spheres *penetrate* each other.¹¹ This requirement of greater complexity and of some new property, of which penetrability is the sign if not the reality, is a *fact*, an ontological *datum*, which is at least of some relevance to the philos-

⁹ *Ibid.*, XIII, 2.

¹⁰ *Ibid.*, I, 1.

¹¹ *Ibid.*, XIII, 2.

ophy of mobile being. I have, of course, extrapolated from the text of Ptolemy; but the extrapolation seems to be at least suggested. I certainly do not wish to imply that Ptolemy had an explicit notion of the symbolic reference of scientific conceptions to reality itself, but this may well be implied in what he says.

Once again we find an analogous view in modern Thomism, developed by Jacques Maritain. Here the natural sciences (which are termed *empiriological*) are regarded as ideal constructions based on phenomena, the conceptions of which do not resolve into intelligible being but rather into the phenomena themselves.¹² Maritain regards the object of empiriological science as *ens mobile secundum quod mobile aut secundum quod quantum, sub modo definiendi per operationem sensus*.¹³ On the other hand, the philosophy of nature is a science which penetrates into the depths of the real itself, on the level of mobile being,¹⁴ and thus its reasonings are about the real world. Maritain sets the object of the philosophy of nature as *ens secundum quod mobile, sub modo definiendi per intelligibilem quidditatem (et non per operationem sensus), seu sub lumine ontologico*.¹⁵

In this view, there are many natural sciences, all of which are quite distinct from the philosophy of nature. Some are characterized by their use of mathematical measurement and mathematical models while others develop their conceptions in dependence on what is observed but without much or any use of mathematics.

There is something real, some ontological content, in the "facts" which are the ultimate reference of all our conceptualization and reasoning in the natural sciences; but this ontological content can be disengaged only with the greatest of difficulties, owing to the logical elements which are introduced

¹² J. Maritain, *La Philosophie de la Nature* (Pierre Tequi, Paris), pp. 70-80.

¹³ *Ibid.*, p. 131.

¹⁴ *Ibid.*, pp. 70-80.

¹⁵ *Ibid.*, p. 132.

by the very methods employed in obtaining the "scientific fact."¹⁶ Moreover, the scientist, in his process of conceptualization, is not at all concerned with this ontological element *qua* ontological. The concepts and theories which interpret the "facts" refer back to the general assemblage of already ascertained "scientific facts," precisely as observed or measured and not as having intelligible values perceptible to the intellect alone.

This mixture of logical and ontological which is called scientific fact, while clearly neither an adequate nor an intended representation of the reality itself, may yet be taken as a "sign" of the reality¹⁷ by the philosophy of nature, which may interpret such signs in the light of its knowledge of mobile being.¹⁸ Such interpretation is of necessity tentative, sharing in the hypothetical nature of these scientific constructs themselves.¹⁹

Thus the philosophy of nature must be regarded as having a double aspect. 1) In its essential structure it does not require the knowledge of the natural sciences at its base.²⁰ However, there is some possibility that scientific facts, once philosophized, may provide new matter for the philosophy of nature and thus broaden its view.²¹ But the separation of the ontological from the logical element of such scientific facts in order to obtain "philosophical facts" is difficult to accomplish, as we have said. 2) At any rate, once the philosophy of nature has been elaborated in its essential and general structure, it can turn to the natural sciences to interpret them in its own light. This Maritain terms the "function of integration" of the philosophy of nature.²²

¹⁶ *Ibid.*, pp. 132-141.

¹⁷ J. Maritain, "Philosophy and the Unity of the Sciences," *Proceedings of the American Catholic Philosophical Association* (1953), pp. 50-53.

¹⁸ *Ibid.*

¹⁹ *La Philosophie de la Nature*, pp. 140-141.

²⁰ "Philosophy and the Unity of the Sciences," pp. 45, 46-47.

²¹ *Ibid.*, p. 45.

²² *Ibid.*, p. 44. See also *La Philosophie de la Nature*, p. 146.

Thus far we have seen three Thomistic views regarding the relationship of the philosophy of nature to the natural sciences which were foreshadowed in ancient conceptions of the relationship between astronomy and the philosophy of mobile being. This is perhaps of no great doctrinal significance, but it is of interest to observe the correspondence between the "ancient" and the "modern."

II. SOME CONFUSIONS.

There is yet a fourth view which has had a very great appeal to scientists in modern times and probably in ancient times as well. It has been upheld in perhaps its most extreme philosophical form by C. N. Bittle in *From Aether to Cosmos*.²³ While scarcely deserving the appellation "Thomist," this view may well be here critically considered; for it can provide an occasion for making distinctions which may contribute much to the solution of the problem of the distinction between the philosophy of nature and natural science.

In this view, natural science is seen from its very outset in the framework of a common sense²⁴ ontology, and is permeated with this ontology in the course of its development.

In such an ontology, the intelligible values of being are but dimly perceived and are therefore capable of being easily confused or lost sight of. As a result, the sign-counterfeits of real being obtained by the natural sciences (constructs) are themselves easily confused with real being. Not that these constructs are considered as indubitably veridical representations of the reality itself, even by the scientists himself. But they are at least regarded as "probable" beings. Thus the proton and the electron and the other constructs of modern physics are considered to be "probably" real precisely as conceived. The impression is produced that there is a gradual convergence in

²³ C. N. Bittle, O.F.M. Cap., *From Aether to Cosmos* (Bruce: Milwaukee 1941).

²⁴ *Common sense* here may be understood to mean the spontaneous, unreflective judgment of the undisciplined human intellect in the presence of reality.

natural science toward the actual being of the world, while in reality what is being created is a hopeless confusion between logical and ontological elements.

If we add even more ingredients to the mixture that we already have, by attempting to construct a philosophy of nature on the basis of this compounded confusion, as Father Bittle and others have done, we shall in all probability end in failing to see a considerable portion of the intelligible value of mobile being, with a completely distorted view of the mobile universe.

III. FOUR KNOWLEDGES OF NATURE.

A. *Common sense knowledge of nature.*

The fundamental difficulty here arises from a failure adequately to distinguish and order four kinds of knowledge. First, the unscientific, unphilosophic knowledge of common sense must be carefully distinguished from both natural science and philosophy. The knowledge of common sense is the result of the movement of the undisciplined intellect toward the real; it differs from philosophical knowledge in that it is altogether imperfect, unreflective and confused. Important truths, such as the distinction between real beings and beings of the reason which are founded in the real, are either not seen at all or seen only vaguely. Such knowledge is knowledge of the real, but only of the most primitive kind.

B. *Philosophy of nature (noumenal knowledge of nature).*

Beyond this first plunge of the undisciplined, unreflecting intellect into the real, there is the possibility of a reflective investigation of and "seeing into" the intelligible values of being and of mobile being by a disciplined interest capable of making requisite distinctions and of clarifying to itself at least some of the intelligible content of reality. This philosophic penetration of the real may go in two general directions from its beginning in the presence of mobile being. The intellect, in its drive toward intelligibility and unity, may pursue the

unity of being itself up to its very source, and this is the way of metaphysics. Or it may seek the intelligibility and unity underlying motion, and this is the way of the philosophy of nature. We may say that metaphysics does not study being precisely as mobile but rather precisely as being, while the philosophy of nature studies mobility, or mobile being precisely as mobile.

But matter, the potential principle of mobile being, and the root of its mobility, is also for us a principle of unintelligibility, by reason of its indetermination. Being a principle of multiplicity as well, matter is an immovable obstacle to the intellect in its movement toward the intelligibility and unity of the mobile universe. We must abstract from matter in order to reach our goal, but to do so completely would put us beyond the sphere of mobile being altogether, since the ultimate root of mobility is matter.

How can this dilemma be avoided? First, it is necessary to give up any idea of reaching the ultimate intelligibility and unity of the individual as such, before which matter (individual matter) casts an impenetrable veil. Forsaking the possibility of a philosophical knowledge of the individual in its individuality, we abstract from individual matter. This abstraction enables us to reach a new level on which multiplicity is considerably diminished and on which we can find some intelligibility for our intellects to feed upon. We are still in the realm of the mobile, inasmuch as our conceptions still contain matter; and so we can have philosophical knowledge about the mobile world.

But again, matter is a principle of specific multiplicity and blocks a reduction to complete unity even on this abstract level. It is only in the determinations of matter which are common to either the entire realm of mobile being or large segments of it that we can find sufficient unity to constitute a science. It is possible to know of prime matter and substantial form in general; but the potency of matter is infinite, so that the determinations of matter are infinite—and thus the full meaning

of substantial form necessarily escapes us. We lift up but a small corner of the veil covering the intelligibility of things.

In our efforts to see farther, we are all but frustrated, not only by this element of specific multiplicity, but also by another effect of the matter which enters into the constitution of all things mobile, namely, contingency. Because we live in a contingent universe, it is extremely difficult for us to learn of the determinations of matter. For these must be learned through the activities of things, and these activities may well be the effect of a plurality of causes, which plurality is not necessarily known to us exhaustively. This indetermination in our knowledge of the cause of phenomena is ultimately due to the passivity which things possess by reason of their matter, the principle of their finitude. Because of their limitation, they not only can act but also can be surrounded by other agents which act on them. And this possibility prevents us from attributing activities to uniquely determined agents or even to uniquely determined pluralities of agents. For we can never know, without a complete knowledge of the entire universe, that any activity is determined uniquely by a particular agent or group of agents. We are speaking here not just of a contingency of the individual, but even of a contingency of the species.

Thus we cannot reduce a species to the perfect unity of an intelligible essence, save in a very general way in the four great divisions of mobile being into inorganic mobile being and the three grades of living mobile being. The philosophy of nature may extend its search for the explanation of mobility into these still quite general realms, but it eventually reaches the point where the mass of multiplicity and contingency become too much for the intellect, which itself can reach the intelligible only in seeing necessary unity.

This obstacle, set before the intellect by the very nature of mobile being, cannot be overcome unless we abstract further, this time from all of the sensible determinations of mobile being, from all that by which we may distinguish mobile beings from each other individually and specifically. Only by elimi-

nating the multiple determinations of matter and looking at a common determination, i. e., extension or quantity, can we hope to reduce material being to a completely intelligible and necessary unity. But to do this, to rise to this second level of abstraction, we must leave one of the necessary presuppositions of mobility—the various determinations which the ultimate principle of mobility, matter, can have. But this means that we have left the sphere of the mobile as such altogether; for matter can be a principle of mobility only so long as there are contrary forms to determine it. At the second level of abstraction we can achieve more unity, a more complete science,²⁵ but only by renouncing our original aim, which was to unify the mobile precisely as mobile.

This possibility, however, of the more complete science of quantity, affords us an opportunity to obtain more detailed and precise scientific knowledge about the multiple world of mobile being *in its quantitative aspects*, as we shall see below.

To summarize concerning the philosophy of nature, we see that it tends toward the real but fails to achieve a complete and necessary unity except on a level which is still quite general. The mobile universe presents a multiplicity to us which is in itself reducible to a unity of knowledge; but this unity is not known to us but in the unity of the Divine Essence. The universe has necessity even in its contingency; but this necessity is not completely known to us—it is known in the necessity of the Eternal Plan, in which God knows even contingents necessarily. To our intellects, the mobile universe, on all but its most general levels, manifests a radical multiplicity and radical contingency, incapable of scientific reduction to unity and necessity. In the presence of the detail of phenomena, the intellect must withdraw in defeat from its initial thrust toward complete objective unity, necessity, and intelligibility.

²⁵ Whether or not a single mathematical science embracing all mathematical truths is possible we need not decide here.

C. *Phenomenal knowledge of nature.*

What can be done? How can we penetrate farther in our search for the unities and necessities underlying the mobile universe? So far as we know the world at present, it appears that we cannot clearly unveil these unities and necessities in themselves much farther. We can pierce through phenomena to the general nature of mobile reality, but for more detailed scientific knowledge we are safer to remain on the level of the phenomena themselves, which could tell us something about essences but do not clearly reveal their intrinsic intelligibility. The phenomena are *signs* of the essence but cannot lead us into the fullness of the specific essence itself. The intellect may attempt to surround the essence as well as possible, but it cannot often break through the barriers of phenomena to completely grasp the essence itself.

Now "phenomenal knowledge" is the third of the four kinds of knowledge which we spoke of above. It is a knowledge which begins in the multiplicity and contingency of phenomena; and, because it cannot clearly attain the real unities and necessities behind the phenomena, it seeks unities and necessities of a logical kind in conceptual schemes—"constructs" and "hypotheses." It seeks for phenomenal constancies and postulates conceptual necessities to account for these. It will construct unitary logical essences since it cannot grasp the real essences; and it will hypothecate logically necessary general laws since it cannot see through the contingency of the real world to the really necessary laws. Yet these logical essences and laws are not without relation to the real essences and laws; for this knowledge begins in phenomena, which govern the intellect in its formation of these logical beings, and the latter are resolved again into the phenomena themselves. Thus they are "second level signs" of the real essences and laws. They do not even share in the degree of reality which the phenomena themselves possess, but neither do they share in the multiplicity and contingency of the phenomena.

When the procedure just described may be carried out mathematically, beginning with the "measurement" of the phenomena and proceeding to the development of mathematical constructions and hypotheses, and thence to the verification of these conceptions in new measurements of the phenomena themselves, we have the ideal type of phenomenal science; for in it we have succeeded in substituting mathematical conceptions, with their complete intelligibility and perfect unity and necessity, for schemes which have intrinsic reference to the sensible precisely as qualitatively sensible, with its radical multiplicity, contingency, and unintelligibility.

The precise relationship of such mathematical schemes to the phenomenal world is a subject which I should like to discuss in detail, but lack of space forbids this at present. One might ask questions about the relation of the number derived from measurement to the phenomenal world itself, about the real significance of a functional relationship, and about the relation of the construct and hypothesis to the numbers obtained by measurement and through them ultimately to the phenomenal world. But, unfortunately, these must be here passed over.

But what must be noted about phenomenal knowledge in general is that it tends toward a logical instead of a real unity and necessity. It does not tend toward the intrinsic intelligibility of the real but rather toward an intelligibility constructed by the intellect, which intelligibility resolves back into the very phenomena themselves instead of into mobile being itself. In this respect it differs completely from the knowledge of both philosophy and common sense. For both of these tend toward the intelligible beyond the phenomena, toward the real unity and necessity of being; but phenomenal knowledge remains in the sphere of the phenomena themselves in achieving its logical synthesis.

D. *Integrated knowledge of nature.*

But although the noumenal knowledge of the philosophy of nature stands radically opposed to the phenomenal knowl-

edge of natural science, these two need not and should not be completely isolated from each other. Although the ontological interpretation of the natural sciences in the light of common sense leads to a hopeless confusion of logical and real elements because of the ignorance of common sense concerning necessary distinctions, yet there remains the possibility of an ontological interpretation of the sciences in the light of the philosophy of nature, which *is* cognizant of the necessary distinctions between real beings and beings of the reason with a foundation in reality. While the philosophy of nature must remain poor in its essential core, as we have seen, yet it can enrich itself by turning to the natural sciences and infusing into them its light. It can use these sciences as instruments to prolong its penetration into the real. There are a vast number of scientific facts from which philosophical facts might be extracted. We may merely mention the conservation of energy, the conservation of mass, and the merging of these two into the conservation of mass-energy, the Einsteinian conception of time, the laws of motion, the law of gravitation, etc. Scientific theories may be given a tentative ontological interpretation by the philosophy of nature. The "signs" of the real obtained in the sciences provide us with a multitude of examples with which to illustrate the truths arrived at in the philosophy of nature itself. The philosophy of nature has much to gain by reflecting on the natural sciences and using them to further its own ends. This extension of the philosophy of nature in and by the natural sciences has been termed its "integrative function" and is elaborated upon by Jacques Maritain in the paper earlier referred to which he delivered to the 1953 meeting of the American Catholic Philosophical Association.

This extension of the philosophy of nature through the instrumentality of the natural sciences gives us a new kind of knowledge quite distinct from the essential structure of the philosophy of nature, in a manner similar in some respects to that in which theology is distinct from faith, although the comparison has obvious deficiencies. This is the fourth of the four divisions of knowledge spoken of above.

E. *Summary of division of natural knowledge.*

In summary, our fourfold distinction can be schematized as follows:

UNSCIENTIFIC

- 1) *Common sense ontology*

SCIENTIFIC

- 2) *Philosophy* → *metaphysics*



philosophy of nature



- 3) *Phenomenal knowledge*



- 4) *Integral knowledge of nature*

} *Noumenal
knowledge*

It seems that these forms of knowledge must be clearly distinguished from each other if we are to bring order into the confusion now obtaining between the philosophy of nature and the natural sciences. It is necessary, it seems, to be very clear about placing the natural sciences in themselves in the third division alone. The difference between the movement of the first two kinds of knowledge toward real unity, necessity, and intelligibility, and the movement of the third kind not precisely away but rather *around* the real unity, necessity, and intelligibility has been sufficiently pointed out. The danger of attempting to interpret the natural sciences from an infra-philosophical viewpoint is also clear. With these observations about our knowledge of nature in mind, we may now turn to consider briefly the three opinions concerning the relationship of the philosophy of nature and the natural sciences which we saw at the beginning of this study.

IV. CONCLUSIONS CONCERNING OTHER THOMISTIC VIEWPOINTS

In the first view, there is one science of nature which, after reaching a general knowledge of the principles of mobile being, seeks to extend itself through the instrumentality of various dialectical techniques. The movement of the intellect is, however, always in the same direction, always toward the same object—mobile being considered in its mobility. This unity of the object means that the philosophy of nature and the natural sciences constitute in reality but one science, which employs diverse methods to achieve its end—as complete a knowledge of mobile being in its reality as is attainable. When multiplicity and contingency become too great for the intellect to overcome, in its drive toward the intelligible unities and necessities of the real, the intellect resorts to dialectical procedures, *knowing the reality* through logical principles extraneous to the reality itself. The dialectic is most satisfactory when it can move on the mathematical level. But although the procedure be dialectical, we arrive at some knowledge of reality through its use. How much is a subject of discussion.

This view, it seems, involves a confusion between the second and third types of knowledge described above in its movement toward the fourth. While there is some cognizance of the distinction between the second and third types, yet there does not seem to be any room in this view for the obvious autonomy which the natural sciences *de facto* possess. One need not be a philosopher of nature in order to be a good scientist. One can erect a great structure of knowledge such as modern quantum theory and know little of being. It seems quite necessary to call this kind of structure either a science or part of a science which is quite distinct from the philosophy of nature; for it has an order between (hypothetical) principles and conclusions, and an object quite distinct from that of the philosophy of nature. Both the philosophy of nature and the special sciences tend toward mobile being; but the philosophy of nature tends

toward it precisely as mobile *being*, while the natural sciences concern themselves with its *motion* and go outside it to achieve an ideal unity which resolves itself back again into the very phenomena themselves. It is in the very nature of mobile being that it present these two aspects, a consequence of its composition from matter and form. There is not merely a difference in methods in the philosophy of nature and the natural sciences. The different modes of conceptualization and reasoning employed in each are dictated by this polarity of matter and form in the very heart of mobile being, and through these different methods we attain different aspects of the reality.

There is, of course, a generic similarity between the philosophy of nature and the natural sciences inasmuch as both are about mobile being. Both concern the same general level of intelligibility in objective reality, the lowest of three such levels. In this respect, the position we are now discussing is pointing out a truth which we have also insisted on, namely, that the philosophy of nature and the natural sciences are necessary complements in our study of the physical universe. The philosophy of nature is exceedingly poor unless it enriches itself with the knowledge of the sciences, infusing its own light into the mass of knowledge provided it by these sciences. The special sciences, considered in themselves, show their practical face much more readily than their speculative aspect—they do not reveal being unless compelled to under the searching light of the philosophy of nature. The light of common sense ontology is altogether insufficient as we have already seen. But the integration of the philosophy of nature and the natural sciences can take place properly only if we are careful to safeguard the integrity of each. We must properly distinguish in order to properly unite.

The fundamental difference in viewpoint between this group of Thomists and Mr. Maritain appears to be traceable to their different conceptions of science. This group seems to be quite intent on the fact that speculative science is a movement *toward the real*; and in the real they find three levels of intelli-

bility, to which correspond three degrees of intellectual abstraction. At each level the intellect tends to achieve a unity, a science. There are thus three speculative sciences of reality. Mr. Maritain, however, points out that the intellect may, in the presence of a single level of objective intelligibility, employ diverse methods to get at it, methods by which we actually attain different aspects of the real even at the same level. Such a difference in the movement of the intellect, however, is not due to the intellect alone, as we have said, but primarily to the reality itself which can show various faces to the intellect seeking to confront it. The problem is to evolve appropriate methodologies to study these aspects. Because of this, we can have more than one *movement of the intellect* toward the real at the same level of objective intelligibility. The natural sciences and the philosophy of nature are specifically distinct sciences at the first level of objective intelligibility.

But the natural sciences themselves constitute an integral whole with respect to the divisions of physics, chemistry, biology, etc. These parts of the integral whole are multiplied according to the diverse classes of phenomena which may be studied. But all such parts share in the character of natural science in one of two ways, insofar as the particular part in question has attained mathematization or not. This might be regarded as a specific difference of natural science taken as a sub-genus. There is a tendency to transfer sciences from the non-mathematical to the mathematical group through the evolution of appropriate methodologies.

Concerning the ultra-postivistic conception of the natural sciences, and the consequent cleavage between science and philosophy, it must be seen that such a conception of science can legitimately obtain only in a phenomenalist system of philosophy. If there is any intelligibility in the real itself, science cannot be altogether sealed off from philosophy; for both concern the same reality. Each comes to the real in a different way; but philosophy, to which in the last analysis nothing real is foreign, must eventually make use of what is

known about the real in the sciences in order to achieve an integral knowledge of nature.

As has been fairly clear, I have been greatly indebted to Mr. Maritain. I shall not attempt to criticize his position, since I believe that I have accepted it, at least substantially, as I understand it.

In this article I have been concerned with the speculative value of the natural sciences. Their practical value is only too obvious and may sometimes obscure their role in our speculative approach to the problem of mobile being.

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BOOK REVIEWS

Principles of Sacramental Theology. By BERNARD LEEMING, S.J. Westminster, Md.: The Newman Press, 1956. Pp. 748 with index. \$6.75.

According to the author's preface, this dogmatic treatise on the Sacraments in General is meant for readers innocent of formal training in theology and yet desirous of a complete, solid and clear exposition of the subject. But the book seems to have forgotten its intended audience, in that it spreads before the reader practically all the fruits of Fr. Leeming's many years of study, teaching (Gregorian University, 1931-1937; Heythrop College), and writing in the field of general sacramental theology.

Hence, even though appetizingly presented in non-technical language and with every enticement known to the printer's art, the intellectual fare here offered will, one fears, prove too rich and too much for any but the professional theologian. As to the latter, he may be displeased by this or that item on the menu and disappointed by the omission of others, but for the most part he will devour Fr. Leeming's *Principles of Sacramental Theology* with gusto and gratitude.

In other words, despite not a few flaws this work is a major contribution to sacred science. Its historical erudition alone would suffice to make it that. Compressed into these pages is a vast amount of up-to-date information on the pertinent teachings of Church Fathers and of medieval, pre- and post-Tridentine theologians, as well as on the history of sacramental theology in the Dissident and the Protestant Churches, from their inception down to the present. All this is invaluable in a treatise which ranks with Mariology as a prime example of doctrinal development, and which, moreover, is at the very center of current ecumenical debates, as Fr. Lemming emphasizes in many a dialog with Anglican divines. Another singular excellence of his book is its preoccupation with the "symbolic reality" (Fr. Leeming's apt translation of *res et sacramentum*), as well as its strongly Christological and ecclesiological orientation—the sacred rites are exhibited in proper perspective, as the sacraments of Christ and of His Church.

These and other merits of the volume under review, as well as some shortcomings, will best emerge from a more systematic scrutiny of the work. By reason of its thoroughness, the book inevitably sheds precious light on the individual sacraments, but its proper task is, as the title indicates, to gather together the principles which apply to all sacraments. This task the author accomplishes in eighteen chapters, organized into six

distinct sections. In marshalling these sections and chapters Fr. Leeming chose, for good and sufficient reasons (cf. p. xxxvii), to forego a strictly historical order. As to the individual chapters, the general plan in each "is to give something of the history of the question and of the different views held; after that, to cite relevant declarations of the Church; then to summarize the doctrine in a brief 'principle,' and to indicate the main reasons for it; and, lastly, to treat of the objections . . . , with any further subsidiary questions. . . . Thus, an attempt is made to combine the historical and the 'scholastic,' or rational, methods of theologizing." Throughout, Fr. Leeming is at pains to distinguish between what is of faith or at least certain and what is merely tenable opinion. Incidentally, whether in upholding the former or in debating the latter, he is ever the soul of courtesy toward opponents. Study of the volume is facilitated, and its usefulness enhanced, by a summary table of contents, a brief preface, a fine analytical table of contents, a lengthy introduction, division of chapters into 755 consecutively numbered subsections, captivating headings on every other page, extensive bibliographies both general and special (with additional titles in footnotes), and an exhaustive index (72 columns!). For good measure, the author adds an appendix on "The *False Decretals* and the Medieval Doctrine on Confirmation."

So much for the general structure and contents of this magnificently printed work. To descend now to some particulars, the introduction's "cursory" indication of relevant literature (pp. xxxviii-lviii) is valuable also as an outline-history of the development of sacramental doctrine. Some regrettable omissions and errors must be noted. Among the Fathers, surely St. Ignatius of Antioch deserved mention; his letters marked the beginning of sacramental theology. Neither in the introduction nor elsewhere does Fr. Leeming notice such important modern authors as H. Schillebeeckx, O.P., *De Sacramentele Heilseconomie*, J. Puig de la Bellacasa, S.J., *De Sacramentis*, to name but two.

The list of "Official Declarations of the Church" (pp. liv-lvi) unaccountably ends with the Encyclical *Pascendi* of 1910; however, some later documents of the Magisterium are eventually cited elsewhere. Eventually, too, it comes to light that Fr. Leeming regards the *Decree for the Armenians* as a dogmatic definition by the Council of Florence or, at the very least, as having infallible authority from the universal ordinary Magisterium (cf. pp. 27, 421 f.). While on the subject of the Magisterium we may also advert to some inconsistency in Fr. Leeming's use of the Council of Trent. Notwithstanding his repeated admissions that Trent did not wish to settle any disputes between Catholic theologians (cf. pp. 12, 331, 425, 451), he sometimes invokes the Council against certain pre-Trentine views (pp. 296, 302, 317).

For a final remark suggested by the introduction, its many wrong dates—

over a half dozen on one page alone (xlix)—serve warning that Fr. Leeming is not a safe guide in such matters; this is most unfortunate in a book full of dates.

Section I has as its theme "The Sacraments and Grace." Chapter 1, on "The Objective Efficacy of the Sacraments," offers a lucid explanation and brilliant vindication, over against Protestant views which are heard at length, of the Catholic dogma that the sacraments of the New Law confer grace *ex opere operato* on those who place no obstacle in the way. The demonstration from Sacred Scripture, though not rising much above the "proof-text" method, is adequate. However, the argument from John 3:2-11 can and should be managed without Fr. Leeming's recourse (p. 32) to John 1:13, since the latter text is not certainly relevant (Braun, Boismard, Le Frois, Mollat, Bouyer prefer or incline to the singular reading, "Who was born . . .," in which case the verse refers to the Incarnation rather than to baptismal regeneration).

The foregoing doctrine is confirmed, in the next chapter, by appeal to infant baptism (which practice is shown, with much help from O. Cullmann and other Protestant theologians, to accord perfectly with the evidence of the New Testament), and by solution of objections. The author's assertion that the sacraments presuppose living faith, "faith informed by charity" (p. 81), should be modified to allow for the "sacraments of the dead."

Chapter 3 is to be hailed as a notable attempt to do justice to that sadly neglected topic, "Sacramental Grace." Fr. Leeming's presentation and conclusions might have turned out otherwise had he consulted all the available literature, but, even so, his is a most praiseworthy effort.

In proving that each of the sacraments gives its own special help or grace, the author overlooks Pope Pius XII's 1945 Pastoral Instruction on the Sacraments, *Il meno* (AAS, XXXVII (1945), 33-43), and the same Holy Father's marvelous passage in the Encyclical *Mystici Corporis Christi*, on the "consecutive, graduated graces" of the sacraments (AAS, XXXV (1943), 201-202).

That his statement of the various views on the nature of sacramental grace (pp. 99-102) is guilty of some oversimplification, and misrepresents Capreolus, may be gathered from the present writer's "Survey of the Theology of Sacramental Grace" (*Proceedings of the Eighth Annual Convention, Catholic Theological Society of America, 1953*). There, too, will be found some of the difficulties which press against Fr. Leeming's own view of sacramental grace, "a reality in the soul comparable to an infused habit" (along with a right to actual grace), as well as some replies to his arguments. The same "Survey" stresses the importance of the distinction between the effects of the sacraments and their proximate ends, a distinction which Fr. Leeming nowhere makes explicitly, although it is implicit in much of his book.

In Section II, entitled "The Sacraments and the Character," Fr. Leeming is at his learned and brilliant best. Three masterful chapters establish the existence of the sacramental character, and the giving of distinct characters in Baptism and Confirmation (against Puller, Mason, Dix, Thornton on the one hand, and Lampe, etc., on the other). By a skillful combination of regressive and progressive exposition, one is led back from the Council of Trent to the Rebaptism and Donatist controversies; then, after the stage has been thus set, to St. Augustine's contribution, and to its antecedents in earlier Patristic doctrine on the "seal."

Unfortunately, Fr. Leeming is among those who still believe that St. Augustine used the term "character" in our modern sense (the author must have missed the important article by N. Haring, "St. Augustine's Use of the Word 'Character,'" *Mediaeval Studies*, XIV (1952), 79-97), but this does not invalidate his demonstration, since he knows that *sacramentum*, *consecratio*, *sanctitas*, *baptismus*, *ordinatio* are often the Augustinian equivalents for *character* in the modern sense. The weakest feature of these pages would be Fr. Leeming's attempt to prove the sacramental character from Sacred Scripture (p. 163), and his inability to decide whether to refer Eph. 1:13; 4:30; 2 Cor. 1:21-22 to Baptism or to Confirmation (cf. pp. 163, 224).

A fourth chapter devotes itself to the ontological and theological nature of the sacramental character, and to its properties. The final chapter in this section broadens out to a consideration of the "symbolic reality," the *res et sacramentum*, of all the sacraments, and of its significance for the reviviscence of sacraments received validly but unfruitfully.

Treating of sacramental causality (Section III), Fr. Leeming rejects the suggestion that different kinds of causality may apply to different sacraments. Arguing forcefully against "occasional," "moral," and "perfective" causality, the author builds a powerful case for "dispositive" causality, and for his contention that the latter theory was the constant doctrine of St. Thomas Aquinas. Fr. Leeming reduces Dom Odo Casel's "mysteries-presence" theory to the theory of "moral" causality, but bases his rejection of the theory on other grounds as well. His critique of the Casel thesis, though adequate, neglects much of the pertinent literature on the subject (for example, Filthaut, Fittkau), and fails to invoke Pope Urban IV's Bull *Transiturus de hoc mundo*, Aug. 11, 1264 (Denzinger n. 5004) and the highly relevant letter of the Sacred Congregation of the Holy Office, Nov. 25, 1948 (cf. *Ephemerides Liturgicae*, 1949, 226).

After a critique of the "physical" and "intentional" systems of "dispositive" causality, Fr. Leeming puts forward his own view, in the highly original but quite mystifying Chapter XI. His theory, described as "only a modification of the older view of 'dispositive' causality" ("the modification consists in substituting 'union with the Church' for the older term

res et sacramentum"), is formally stated in this fashion: "The efficacy of the sacraments flows through the union which they cause with the Mystical Body of Christ, the visible Church: inasmuch as the sacrament, by uniting the recipient in a special manner to the Church, expresses Christ's will to confer grace upon him if he places no obstacle" (p. 355). In his further pages Fr. Leeming strives to clarify and vindicate this view, but in the end he acknowledges that his theory of how the "symbolic reality" causes grace "remains very obscure" (pp. 380 f.). Obscure, too, in fact never stated, is the author's position on how the *sacramentum tantum* causes the *res et sacramentum*, the "symbolic reality." Further, if a valid sacrament unfailingly involves some special union with the Church, how is this union to be conceived in the case of non-Catholic recipients? Does a valid sacrament make them somehow members of the Church? One would have welcomed some light on this problem, but Fr. Leeming does not even advert to it.

Noteworthy and meritorious is Fr. Leeming's frequent suggestion (cf. e. g., pp. x, 377-378), put forward in connection with the above theory but not necessarily bound up with it, that the definition of a sacrament ought to include reference to the *res et sacramentum*.

With Section IV, on "The Institution of the Sacraments," Fr. Leeming returns to his best form. His first chapter, after quickly disposing of the "syncretist" hypothesis about the origin of the Christian sacraments (at which point one would have expected to hear something about the Dead Sea Scrolls—the book never mentions them), solidly establishes the doctrine that Christ institute all the sacraments immediately. The remaining chapter makes an impressive case for the theory of generic institution of Confirmation, Penance, Extreme Unction, Holy Orders and Matrimony.

Section V, on "Requirements in the Minister," gives us, among other things, a most thorough and illuminating discussion of the intention requisite in the minister of the sacrament, along with a page or two on the intention of the recipient (other requirements in the recipient are touched upon elsewhere in the book, for instance, in connection with the Re-baptism controversy).

The last Section, on "The Sacramental Economy," after an outstanding chapter on the number of the Christian sacraments, concludes with a brilliant apologia for the sacramental system, a discussion of pre-Christian sacraments, and a few lively and informative pages on the sacramentals.

All in all, this is a tremendous book, the finest ever produced in English on the subject, and one which will long rank among the best in any language.

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The Two-Edged Sword. By JOHN L. MCKENZIE, S.J. Milwaukee: Bruce, 1956. Pp. 317. \$4.50.

The Two-Edged Sword is the most significant Catholic interpretation of the Old Testament ever written in English. This I believe, *firmly*. To begin with, Fr. McKenzie's prose is superb. This high literary quality is sustained throughout the book, even when the author discusses matters which of their very nature are difficult to analyze with simplicity. The solid scholarship behind each chapter will be evident to the expert, though it has been skilfully hidden from the eyes of the general reader. But the book's significance lies neither in its literary excellence nor scholarly foundations, but rather in the principles which determined the author's presentation of the teaching of the Old Testament. These principles have been known and used successfully for years by Biblical experts. Now for the first time in English the general public (for whom this book was written) may benefit from their application to the books of the Old Testament. Fr. McKenzie has clearly set forth his principles in his preface and repeated some of them at the end of his work.

In both his Preface and Conclusion, the author tells us what he has tried to do: to present the religious and spiritual values of the Old Testament in terms intelligible to the general reader, i.e., "to anyone who thinks himself interested enough in the Old Testament to read a book about it which is not too deep or too heavy or too advanced or too big (p. v)." He further indicates (p. 313) the nature of his book by pointing out that two other authors have written works similar to his own: Jacques Guillet, S.J. in *Thèmes Bibliques* (Paris: Aubier, 1951) and Dom Celestin Charlier, O.S.B. in *La lecture chrétienne de la Bible* (Maredsous: Éditions de Maredsous, 1950). The need for such a book on the Old Testament is very great. No one can deny that within the past 50 years there has been a revolution in the study of the Old Testament. Fr. McKenzie points out (p. vi) that this revolution is a consequence of the discovery and interpretation of the languages, history, art, and literature of the civilization of the Ancient Near East, in which the Old Testament was lived and written. The author disclaims any intention of presenting this "new learning" itself but rather "the religious beliefs of the Old Testament as they have been illuminated by the new learning (p. vii)."

Here, in brief, is the key to the proper understanding and appreciation of this book. The reader ought to understand it from the beginning and if possible remember it unto the end, especially when confronted with unaccustomed ideas. The author is attempting to use all the advances of modern biblical science in order to make more evident the true meaning and significance of Old Testament revelation. If the reader be tempted to withdraw from unfamiliar interpretations, he should remember the words Fr.

McKenzie wrote in his preface (p. vi): "But the reader, whatever his own religious belief, is entitled to know that I accept entirely the teaching of the Catholic Church, and that what I say here is as 'Catholic' as I can make it, in the ordinary sense of the term." A little further on, Fr. McKenzie clarifies the term "Catholic" book: "I do not mean that it is wholly and entirely a statement of Catholic doctrine; I mean that the Church has, as far as I know, said nothing which is contrary to what I say, that my personal interpretation is not out of harmony with her teaching (p. vii)." Even had he not said so, we would have known after reading his work that the author considers the Old Testament "a book of the highest spiritual value, second only to the New Testament into which it flowers." In the closing lines of his Preface (which ought to be carefully read) the author calls attention to the fact that he has preferred to use the spelling of the King James Bible when using proper names. He laments the fact that the editors of the Confraternity Old Testament have refused to recognize that "the names used in the King James Bible are in possession in the English-speaking world, even among Catholics." Fr. McKenzie is certainly entitled to his preference, though this reviewer seriously doubts that "even among Catholics" the King James Bible spelling of proper names is in possession.

The main body of the work covers a wide range of Old Testament material, as the following titles indicate. I. The Sacred Books; II. God Speaks to Man; III. The Gods of the Semites; IV. The Hebrew Story; V. Cosmic Origins; VI. Human Origins; VII. National Origins; VIII. King and Prophet; IX. The National Welfare; X. Israel and the Nations; XI. The Hope of the Future; XII. The Wisdom of the Hebrews; XIII. The Mystery of Iniquity; XIV. Life and Death; XV. The Prayer of the Hebrews; XVI. The God of the Hebrews; XVII. The Old and New. A careful study of these titles indicates that Fr. McKenzie has left no major area of the Hebrew story untouched. In almost every area the general reader will find more new things than old, and he will marvel at the riches unfolded by the deft hands of a master craftsman. Perhaps for the first time he will understand clearly what Our Holy Father Pope Pius XII calls "the great spiritual importance of the Old Testament even for our times." From the opening chapters of his book, Fr. McKenzie insists upon the supernatural character of the Hebrew story: "We cannot escape, in the Old Testament, the pervading conviction that God intrudes Himself into the minds of men in an extraordinary but thoroughly objective manner, and that men, possessed of this awareness, become His spokesmen. They remain men, and they sometimes remain men who are petty; but Hebrew faith in the Lord God is meaningless apart from this fundamental belief, that they knew Him at all only because He spoke to them" (p. 44).

That He spoke to them is clear enough, but what did He say and what

did He mean? In the spirit of *Divino Afflante Spiritu*, the author sets out to discover for us the secrets of the revelation. He takes us back to the world of the Hebrews and introduces us to their mode of thinking, their mode of expressing that thought, their mode of believing, hoping, loving their God, fearing His wrath, searching His ways. He takes us into unfamiliar worlds of thought to teach us the ways of the People of God, who were so much a part of the world in which they lived. We soon discover that the Hebrew concept of history is not our concept and we, too, ask with the author: Why should the story as written by the Hebrews be thought unworthy of God? Why should He refuse to stoop to that manner of narrating the past which is the universal human manner, and limit Himself austere to the manner which is taught in the modern graduate school? (p. 63). If we make the Old Testament a mine of historical facts, then it will mean no less to us, and no more, than any other chapter in the human story (p. 71). Most readers will be intrigued with the author's presentation of the Hebrew account of Cosmic Origins and Human Origins. That scientifically established truths concerning the origin of our universe exist cannot be reasonably denied. The account of this origin in the Bible obviously differs from the account furnished by science. Is the question of apparent contradictions to be solved by denying demonstrated scientific truth? Such is not the attitude of the present Vicar of Christ, Pope Pius XII. In urging Catholic scholars to search diligently for solutions to difficult Biblical problems, His Holiness instructs them to find solutions which will be in full accord with the doctrine of the Church and "which will at the same time satisfy the indubitable conclusions of profane sciences." As the author wisely notes, however, science itself cannot be defended by the premature publication, on an often sensational level, of speculative scientific opinion (p. 74). What is needed within the Church is a much closer co-operation between her scientists, theologians and exegetes. "Happily, we have survived into a day when science and theology no longer speak to each other in the language of fishmongers" (p. 74). In the final analysis, Fr. McKenzie's contribution is to draw attention to the fact that the Hebrew account of cosmic origins is written for us by an author who reflects not only his own times but also the psychology of his people. Although the question of cosmic origins has become a scientific question, it has not on that account ceased to be a religious one. Science cannot assert or deny the answer to the religious question because it cannot go beyond the level of the phenomena which it observes. It must still begin with a waste which is void and empty, over which darkness broods. No matter how far back science pushes its investigations, no matter what it finds before that empty waste, it will never reach the level of the first chapter of Genesis (p. 75).

The account of human origins is found in the second and third chapter

of Genesis, and it forms a story which is independent of the cosmic story in the first chapter. The literary seam between the two accounts occurs in the middle of the fourth verse of the second chapter (p. 90). The author points out that it is incorrect to label the second chapter "the second creation account" because the interest of the chapter is in the origin of man, not of the world. The interest is less in the origin of man as a species than in the origin of the two sexes. The climax to which the whole second chapter leads is the creation of the woman and the statement of the relationship between her and the man (p. 91). The third chapter tells us why the world is in its present condition and not the paradise of delight in which man was first established by his Creator. The author calls attention to a remarkable fact: the account of human origins is not certainly mentioned again in the Old Testament before Ecclesiasticus and the Wisdom of Solomon, written in the last two centuries before the beginning of the Christian era. More remarkable still is that the biblical view of evil never appeals to this account. From a study of Ezechiel's marvelous being who dwelt in Eden (Ez. c. 28), Fr. McKenzie suggests that the prophet has preserved another account of primitive man and his fall from grace. Perhaps, then, the story of human origins was told in more than one form among the Hebrews, with variations in detail (p. 92).

A closer look at the description of man's condition at his creation reveals that here there is a vast difference between the Hebrews and their neighbors. In the Hebrew account man dominates the world of animals, lives in a garden like royalty, and is free from toil and mortality, for these appear only after his crime. But above all else, man is portrayed as enjoying a special intimacy with God, who strolls through the garden in the cool of the evening. Fr. McKenzie calls attention to the contrasting picture painted by neighboring peoples. In no Semitic myth or legend is man represented as living in a state different from that known by experience, especially as living on such terms of intimacy with the gods. The Hebrew story remains distinctive because it is shot through with the Hebrew idea of God. And it is still the more sharply defined by the story which follows, in which is related the end of primitive innocence. (p. 93).

Few Old Testament exegetes worth their salt have failed to try their hand at interpreting the biblical account of the Fall. The general reader should understand at the outset that Fr. McKenzie calls his interpretation "novel but, we think, plausible." (p. 97). The author recalls what he has said about the second chapter of Genesis: it is a story of the origin of sex rather than of the origin of man. He regrets that many readers of Genesis have missed the importance of the contrast which the story points between woman as God made her and woman as she existed. In Hebrew society also woman was a depressed class. The Hebrew storyteller, however, was not attempting a feminist reform, but merely insisting that in

the beginning it was not so (p. 95). In the context, woman is the partner and equal of man, not the very embodiment of sexual attraction as was the goddess of fertility. In human life, as it first proceeded from God, the fiery appetite of sex did not even appear. The story is a strong and noble rejection, writes Fr. McKenzie, of the frightful overemphasis upon sex and sexual pleasure which cursed the ancient world. The only secure foundation of sexual and family morality is monogamy, the perpetual and exclusive union in marriage of one man and one woman until death do them part. Such is the teaching of the second chapter of Genesis and such is the teaching of Jesus Himself when He pointed out that from the beginning God wished that a man should leave father and mother and adhere to his wife and that they should be two in one flesh (p. 96). Now can we really suppose that the third chapter (containing the story of the Fall) has no reference to the second? Fr. McKenzie thinks it has and seeks to point out the "sexual milieu" of the account. It should be clearly understood, however, that he firmly rejects that interpretation which holds that the prohibition of the fruit signifies a prohibition of sexual relations, and that the sin of our first parents was a violation of this command. "Such a view runs so contrary to the general Hebrew attitude that we could not accept it unless it were demonstrated beyond all doubt" (p. 97). What, then, is his "novel but, we think, plausible" interpretation? He begins with the serpent, whom he considers to be a sexual symbol.

It cannot be denied that there is sufficient evidence from archaeology to defend the proposition that in art, at least, the serpent had sexual symbolism, though the author clearly shows that he is well aware that it had other symbolic meanings also. Context will decide the matter in art, why not also in literature? "When the woman is cursed in her sexual role—in childbearing, in her submission to man, in her unflinching desire for man—the ancient Hebrew would have no doubt of what the serpent meant" (p. 97). But the serpent did not represent merely the sexual appetite as such, but *unbridled* appetite. For the Hebrew writer there was no need to speak of this in the abstract, simply because the unbridled sexual appetite was personalized in the deities of fertility, sanctified in the myth and ritual of fertility. The Hebrew considered this cultic myth as a perversion of sex and of the ideal of sex relations, of the position of woman, who becomes both a goddess of pleasure and a degraded being, and of divinity itself, which is identified with an animal function (pp. 97-98). Fr. McKenzie suggests that what we actually have in the story of the Fall is a polemic against the vicious superstition which has made a god of an ungoverned passion (p. 98). He finds a confirmation of this approach in many other details of the story, especially in the curse of the woman.

"The woman also is cursed in her sexual role. The Hebrew would agree that unbridled lust, hallowed in the cultic myth, was the greatest enemy

of the female sex. While deifying sex, the cult demeaned the human person. It had rendered her the slave of the man, and turned the function of motherhood, which the Hebrew esteemed as the crowning glory of woman, into pain. And it had made her the curse of the man. The Old Testament is not entirely free of misogyny. Here, as elsewhere, one can find reflected the widespread ancient belief in the moral instability of the female sex. It is the weakness of the male that he is attracted by a being that is weak." (p. 99).

Such is a summary of Fr. McKenzie's opinion that there is a sexual *milieu* surrounding the third chapter of Genesis. It is only a summary and no substitute for a careful reading of the author's own exposition. What are we to say of this interpretation of the story in question? The author himself concludes: "We cannot state too emphatically that his exposition will have to be regarded as an educated guess. Nevertheless, such guesses have their place in the study of the Bible, as in the study of any body of literature; and they proceed more securely the more accurately they place the story against its own cultural, religious, ideological background and appraise the influence of this background" (p. 102). This reviewer confesses to be unconvinced of the sexual *milieu* of the account of the Fall. This is no fault of Fr. McKenzie's, for he has presented the available evidence in an orderly fashion. The point is that there is not sufficient evidence available to make this interpretation anything more than an "educated guess." However, I am happy to see it presented to English readers by a writer who knows how to evaluate it accurately.

There are many more splendid chapters in this fine book. The story of Hebrew hope is particularly instructive, for it covers a field hitherto neglected, in popular expositions especially. There are other chapters which will appeal to those of a theological rather than historical bent. All, I feel certain, will be glad this book was written. In a work so thoroughly consistent, I was sorry to find a pair of sentences such as the following: "If God submits himself to the limitation of the instrument, does He not also accept this limit of the human mind, that it cannot attain infallibility? And would not this concession make it easier for the educated man to accept the Bible as sacred?" (p. 10). Certainly Fr. McKenzie is not saying that the human instrument was just as fallible after receiving the influx of inspiration as it was before! As for the educated man, I fear the concession would make it easier for him to accept the Bible as *profane*.

I sincerely hope that everyone interested enough in the Old Testament to read a book about it which is not too deep or too heavy or too advanced or too big will buy a copy of *The Two-Edged Sword*.

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The Philosophy of the Church Fathers, Vol. I, "Faith, Trinity, Incarnation." By HARRY AUSTRYN WOLFSON. Cambridge, Mass.: Harvard University Press, 1956. Pp. 663. \$10.00.

The present volume is the third in the series entitled, "Structure and Growth of Philosophic Systems from Plato to Spinoza." It is also the first of a series within this particular series, entitled, "The Philosophy of the Church Fathers," and deals specifically with "Faith, Trinity, Incarnation." The author writes very lucidly on abstract subjects, and at the very beginning he describes in clear terms his approach to this very profound and abstract subject. Every reader should know the method employed, not only the better to understand the work but also to be forewarned. A few quotations here will suffice to illustrate the point.

"In the present work, we try to show how a similar conception (to that in Philo) among the Church Fathers with regard to the relation of certain teachings of Greek philosophy to the revealed truths of both the Jewish and the Christian Scripture resulted similarly in a recasting of Christian beliefs in the version of Greek philosophy. The material with which we had to work here is of the same kind as that in Philo—terms, formulas and analogies scattered throughout the writings, in this case, not one man but of many men of successive generations. These we tried to piece together into a unified and continuous system. The method which we have employed in trying to integrate these scattered terms and formulas and analogies is that which we have chosen to call the hypothetico-deductive method of text-study."

"The first volume of the work on the Church Fathers now before the reader corresponds to three chapters (II-IV) out of the twelve which constitute the first volume on Philo, and of the three problems dealt with in this first volume, only the first—Faith and Reason—may be considered as a direct development, with some variations, to be sure, of the problem as presented in Philo; the other two problems—Trinity and Incarnation—have an origin and history apart from Philo."

"Still these last two problems, though of non-Philonic origin, are not altogether outside the Philonic framework. For when the Pauline conception of the preexistent Christ, which is of non-Philonic origin, was given by John the name Logos, which is of Philonic origin, the development of the doctrine of the Trinity and of the Incarnation was either in accordance with the Philonic conception of the Logos or in departure from the Philonic conception of the Logos."

"Not exactly a departure from Philo but only an addition to him is the doctrine of the Incarnation, for in its ultimate formulation the Incarnation became a new stage in the history of the Philonic Logos—a

Logos made immanent in a man after its having been immanent in the world. Similarly the elaborate Christological discussions growing out of the Incarnation have their starting point in the Philonic analogy between the relation of the immanent Logos to the body of the world and the relation of the human soul to the body of man. Even the heresies are not unrelated to the Philonic framework. Gnosticism, which was never admitted into catholic Christianity, was an attempt to interpret the Pauline preexistent Christ in terms of paganism, in opposition to the Johannine interpretation of it in terms of Philonism. The other heresies, those which arose within catholic Christianity and were banished from it, had their origin in an attempt to restore the Philonic conception of the unity of God."

In these quotations indications of the fundamental weaknesses of this volume may be found. First of all one may note the "hypothetic-deductive method of text study," as Wolfson calls it, which he has already described and employed in his famous works, *Crescas's Critique of Aristotle* (1929) and *Philo: Foundations of Religion Philosophy in Judaism, Christianity, and Islam* (2 vols., 1947). As summarized by Wolfson (p. VI): "Briefly stated, the basis of this method is the assumption that every philosopher in the main course of the history of philosophy either reproduces former philosophers or interprets them or criticizes them. . . . Philosophers rarely give expression to the full content of their mind. Some of them only rhapsodize; some of them veil their thought underneath some artificial literary form; some of them philosophize as birds sing, without being aware that they are repeating ancient tunes. Words, in general, by the very limitation of their nature, conceals one's thought as much as they reveal it; and the uttered words of philosophers, at their best and fullest, are nothing but floating buoys which signal the presence of submerged unuttered thoughts. The purpose of historical research in philosophy, therefore, is to uncover these unuttered thoughts, to reconstruct the latent processes of reasoning that always lie behind uttered words, and to try to determine the true meaning of what is said by tracing back the story of how it came to be said, and why it is said in the manner in which it is said."

With such a method of study it is easy to see what happens to the original phenomenon of Christianity. It is, of course, effectively put aside, since the author, thoroughly steeped in his excellent studies of Philo and overly impressed by Philo's influence on the Fathers, approaches his task with the avowed determination to read little or nothing of the many profound works dealing with his subject and to follow his own method strictly. There are, of course, occasions when a resolution on the part of a scholar to avoid the literature already written on a subject of his proposed investigations is wise, as, for example, when the works are overly voluminous, repetitious, and for the most part directed along an obviously

blind trail. But this policy can hardly be excused, not to say, defended here, where Wolfson clearly needed to learn much to prepare himself for his great task. In addition to such learned monographs in this field as those of Walther Völker, Wolfson has deliberately avoided the great majority of the latest and best studies on the Fathers. This is not only regrettable but ruinous to the excellence of the present volume, as far as the Christian Fathers strictly are concerned. Moreover, this is difficult to understand not only because of Wolfson's well deserved reputation as a scholar but also because he frequently refers to scholarly works dealing with the pagan philosophers.

The author's deep and thorough knowledge of Philo as Philo, for which the world of scholarship has deservedly admired him, has been in some respects a handicap to him in this work. By his studies of the relationships between Jewish and Christian and philosophic thought, he has become, it seems to me, overly impressed with the influence of Philo on the Fathers of the Church, and constantly overemphasizes the force of this contact. Here again Wolfson might have avoided this pitfall, if he had made a serious attempt to master the available literature dealing with Philo's influence upon the early Fathers of the Church.

Wolfson's theory on the role of St. Paul in the early history of the Church is by no means new. Following in the footsteps of nineteenth century rationalists, he tries to show that the doctrines of the divinity of Christ and the Trinity are inventions of St. Paul and the early Fathers. He even subtly suggests that St. Paul and the early Fathers seized upon Philo's technique of allegorism to twist the Scriptures into a support of the Church's teachings on Christ and the Trinity. Here as elsewhere in this volume, Wolfson usually avoids the many excellent studies published during the last fifty years on this subject, although he has read and frequently quotes the works of the Fathers themselves, applying, of course, the procedures which he has developed for his study of Philo. Throughout he refuses to recognize a distinction between theology and philosophy and the primary concern of the Fathers with theology. He refuses to accept any notion of the Trinity before the birth of Jesus; he holds that St. John's teaching on the Logos is identical with that of Philo; he over-simplifies the problem of Gnosticism in the Early Church; his characterization of Jewish Faith and Christian Faith in his "Philo," and again in the present work, is not satisfactory, especially on the Christian side.

Throughout the book statements like the following, which probably without intention give offense at least to Catholic Christians, occur all too frequently: "Christianity, however, was torn by sects and heresies, and those that were outvoted were anathematized" (pp. 100 and 101); "Critical scholarship on the whole, rejects the traditional attribution of the tripartite baptismal formula to Jesus and regards it as of later origin"

(p. 143); "His (Christ's) life is told in the four Gospels and allusions to his life are made in the Pauline Epistles. Despite the differences in detail, all these accounts of the life of Jesus are based on a common tradition and they also have a common purpose which is to show that Jesus is the Messiah promised by the prophets of the Hebrew Scriptures" (p. 155); and many others.

The book, however, does have much good material, for example, his discussion of allegorism, especially as developed by Philo, his treatment of the Jewish Gnostic sects and the different types of Gnostic emanation, and his analysis of the controversies on the hypostatic union and circum-incession. There are other materials which can be read with profit though with circumspection. But that Wolfson, a scholar of such high repute, should have included in these chapters highly controversial material without substantiating evidence, is difficult to understand.

The reviewer came to this book fresh from the task of translating St. Ambrose's *De Mysteriis*, *De Spiritu Sancto*, *De Incarnationis Dominicae Sacramento*, and *De Sacramentis*. Despite an elaborate allegorical treatment at times, the obvious simplicity and deep faith of the writer which appear throughout his writings belie the thought processes and even the motives which are set forth by Wolfson. Behind all allegorical interpretation, and dominating it, is the absolute and unquestioned belief in a body of supernatural truths which have not been discovered by human reason but which have been definitely revealed by God Himself. What has just been said of Ambrose could be repeated for nearly all of the ancient Fathers. Wherever or however the Fathers developed their method of exegesis, the intense sincerity and perfect faith in what they preached is strikingly evident always. Still more remarkable, in a world where communication was slow and difficult, is the substantially complete agreement of the leading Fathers in their treatment even of the most abstruse theological problems. This we must never forget.

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The Manner of Demonstrating in Natural Philosophy. By MELVIN A. GLUTZ, C. P. Des Moines, Iowa: St. Gabriel Monastery, 1956. Pp. 196. \$3.00.

Modern scholastic philosophy is somewhat characterized by two opposing tendencies. The one is largely owing to the role which such philosophy plays in the intellectual formation of seminarians, where philosophical theses are of fundamental importance for the study of sacred theology. This tendency manifests itself in an attempt to synthesize into a concentrated course an entire body of knowledge relating to logic, natural philosophy, ethics and metaphysics, and is seen at its worst in the approach adopted by some scholastic manuals, where all problems are worked out in cut-and-dried fashion, adversaries are disposed of with a few well-chosen words, and philosophy itself is reduced to a system of predigested definitions and syllogistic arguments. The other tendency, obviously reactionary to the first, shows itself in a great concern over problems that have arisen outside the scholastic tradition, and is basically motivated by the desire to build a bridge to modern thought. It utilizes modern terminology and methodological procedures, and although loyal to the fundamental tenets of scholasticism, shuns the stereotyped expression of the manualists as being mere "empty formulas," while searching for a deeper penetration of reality which will throw new light on modern problems.

Both tendencies, although understandable in their origins, could well lead to extremist positions detrimental to the well-being and development of scholastic philosophy. Both can be checked by a rediscovery of the philosophical methodology which characterized scholastic philosophy in its golden era, and produced the great syntheses of Albert, Thomas, and the medievals. Fortunately, a good start in the direction of such a rediscovery has recently been offered by Fr. Glutz in his *Manner of Demonstrating in Natural Philosophy*, a penetrating study of Aristotelian methodology in natural philosophy. Exposing a field which has been sadly neglected since the thirteenth century and is practically unknown to modern scholars, the author presents an antidote to sterile "manual-philosophy" and to present-day dialectical approaches alike, and has thereby made an outstanding contribution to modern scholasticism.

Father Glutz's dissertation is written in a simple, unassuming style, and takes its exemplification largely from the natural science of Aristotle, while systematically expounding the doctrine contained in the *Posterior Analytics* and the second Book of the *Physics*. The first chapter is a resumé of the common teaching on demonstration, after which the author devotes a second chapter to the subject of natural philosophy in order to delineate the scope of his further investigations. Then follows an all-important third

chapter on certitude and necessity in natural philosophy, in which is presented the basic problem of how a *propter quid* science of changeable, contingent things is at all possible, and the lines of solution to the problem indicated. The fourth chapter sketches in a general way the manner of demonstrating in natural philosophy, explaining the role of induction and experience, the possibility of demonstrating through all four causes, and the essentially qualitative, causal analysis which is characteristic of Aristotelian natural science. The concluding four chapters then launch into a discussion of specific cases and constitute a highly original study of the whole corpus of Aristotelian natural science, analyzing numerous examples to show how demonstrations through each of the four causes were actually utilized by Aristotle in elaborating his science of nature.

The scope of the resulting treatment can be indicated by a mere enumeration of the demonstrations analyzed in Fr. Glutz's work. Those through formal causality range through the proper subject of motion, the spirituality of the human soul, the freedom of the will, the intensity and pitch of musical notes, the nearness of planets, and the nature of ice. The demonstrations through efficient causality are more restricted, treating mainly of topics in meteorology such as the sphericity and waxing of the moon, eclipses, thunder, the falling of leaves, the rainbow, and the rising of the Nile. Under material causality is first discussed a mathematical demonstration, the angle in a semicircle, which has been consistently misunderstood by methodologists; then, on the basis of this analysis, the following demonstrations are analyzed: the shining of light through a lantern, the formation of the color spectrum, the motor causality principle (whatever is in motion is moved by another), and the presence of more than one stomach in horned animals. Finally, the demonstrations through final causality include the order of the universe, the existence of the active intellect in man, the connection between walking and health, the external senses of animals, the structure of the eye, the nature of respiration, and the ordination of the universe to man. Thus it is apparent that the author's exemplification is not restricted to a few worn-out examples such as the risibility of man, but spans the whole field of natural philosophy, from the general consideration of changeable being, through all the specialized natural sciences—not only cosmology and psychology, but the physical and biological sciences as well.

Fr. Glutz's facility in explaining the demonstrative character of Aristotle's arguments and in easing the reader over difficulties created by the disparate terminologies of antiquity and the modern era add greatly to the value of his work. In view of his avowed intention to expose Aristotelian methodology as taught in the *Posterior Analytics* and the second Book of the *Physics*, he might be excused from not having given more modern exemplification. Yet the reader will sense this deficiency, and possibly will not be content until he has tried to work out for himself some demonstra-

tions implicit in present-day knowledge of the physical world. The author of this review has made a start in that direction (cf. *The Thomist Reader*, 1957, pp. 90-118), but considers that the possibilities of investigation are far from exhausted.

Fr. Glutz has attempted to steer clear of the thorny problem as to whether or not there can be true *propter quid* demonstrations in the positive natural sciences, but has not been able to avoid it entirely. On pp. 36-37 he states:

As we come down to the particular aspects of material beings, we find their specific natures impervious to our intellectual intuition. Their very materiality dims their intelligibility. At this level we must often substitute an unknown x , a conjecture or a hypothetical construction, especially of a mathematical kind, for the essence. In this we touch upon the core of the experimental method. A large number of facts are carefully observed, ordinarily by measuring instruments, for example, the rectilinear propagation of light, its reflection from a smooth surface, its angle of refraction at the surface of a body of water, and the transmission of energy by light. From the constant recurrence of these phenomena we come to suspect that they are properties of light. But we cannot demonstrate them as such, because we do not know the essence of light. Essence is the middle term of a demonstrative syllogism, and is the foundation of the necessity of the scientific conclusion. However, as a *hypothesis*, light was for many centuries considered to be the emission of corpuscles shooting out from a luminous source. Taking such a provisional definition of light as a middle term, scientists thought that the attributes were shown to follow as properties. But naturally, the whole demonstration did not surpass the level of probability.

On pp. 38-39, the author makes the further statement:

This method of the experimental sciences is called by some "systematic explanation" and is merely a substitute for demonstration. It can be used whenever we do not have a definition of our subject. It is used in theology, as for instance in the distinction of the angels into hierarchies and orders. This method consists essentially in using a logical, and very often mathematical, construct in place of an essential definition. In this way congruous premisses can be established from which a certainly known conclusion is seen logically to follow. However, there is no question of a connection of the conclusion with real and necessary principles. The experimental method cannot directly and immediately yield science in the strict Aristotelian sense of the word.

Returning again to the subject of systematic explanation, he writes on p. 64:

We are here undoubtedly in the field of the positive sciences of nature, those which usually claim to profess no interest in the intrinsic natures of things, but only in their sensible manifestations. Whatever the nature and extent of the positive sciences may be, we can state for certain that they are at the lowest level of the study of nature. However, we can see that they do fit in: insofar as they are physical rather than mathematical, they are at least a continuation at the

dialectical level of the philosophy of nature, as is held by one of the Thomist theories of positive science.

To this he adds in a footnote:

Our own study will make it clear that even more than a dialectical understanding is sometimes possible at the specific level.

Finally, on p. 65 he makes the summary statement:

The science of nature studies material being from the aspect of mutability. It defines its subject in terms of the physical principles of its mobility, first in general and then by division and concretion down to the lowest species. At the lower levels the definitions are in relation to properties and effects, through extrinsic causes, or by the systematic method of conjecture. The last mentioned kind of definition is dialectical and yields us probable knowledge. The other two kinds give us middle terms whereby we can attain certain and necessary truths about things of the material world about us.

These citations at first glance seem to involve a contradiction, for in his earlier statements the author maintains that the experimental method cannot yield certain knowledge of the world of nature, and yet his whole study indicates that more than dialectical knowledge is sometimes possible at the specific level. "More than dialectical" can only mean "certain," and thus one is tempted to ask how such knowledge can ever be attained, if it cannot be obtained by the experimental method. Obviously the term "experimental method" is ill-chosen, for what the author intends is the "hypothetical method" or "method of systematic conjecture." The only way in which man can attain knowledge of specific essences is through experience, and through the more refined experience which is attained by experiment, particularly when dealing with the non-living (where proper actions are most frequently reactions). Thus experimental knowledge, and the method by which it is attained, are not to be excluded summarily as sources of Aristotelian science; they were certainly used by Aristotle himself, as the author is at pains to develop throughout his entire thesis.

In the same vein, the statement "we do not know the essence of light" (p. 37) is difficult to reconcile with Fr. Glutz's explanation of Newton's demonstration of the color spectrum, which utilizes a definition of white light in terms of its material cause and is therefore *propter quid* (p. 145). What he obviously intends is that those who *postulate* light to be an emission of corpuscles, as such do not know the essence of light. Newton, as is well known, scrupulously avoided all *hypotheses* in his exposition of this particular demonstration (cf. *Phil. Trans.*, No. 84 (1672), p. 4093), and yet he was most expert in experimental methodology. The answer is that Newton inferred the essence or nature of light from its formal effects, by a sort of natural logic but based on his experiments. This squares, of course, with Fr. Glutz's statement on p. 65, which has been cited above.

It is this reviewer's opinion that all significant advances in the development of the so-called "positive sciences" are based on similar demonstrations through formal effects or extrinsic causes, and that the "method of systematic conjecture" is merely a propaedeutic to such discovery, although the latter has paradoxically been much publicized as the unique "scientific method," while the important discoveries have been ascribed to "luck" or "strokes of genius" and as such have been regarded as refractory to analysis.

While Fr. Glutz does not come directly to this conclusion, he does imply it in his concluding chapter, where he states (p. 174):

We have gained some insight into the kind of integral natural science that Aristotle and St. Thomas were striving for. And we came to see that the method of natural philosophy according to Aristotle and St. Thomas cannot be understood without their concept of the nature and extent of the science. It is extravagant to suggest that when men threw out the outmoded special science of Aristotle and philosophers retired into the ivory tower of generalities, men destroyed too much, that they discarded the ideals and the method that should be guiding us today to understand the meaning of the world in which we live? Our study has brought us to think that this is so.

It is undeniable that many natural philosophers in the scholastic tradition have "retired into the ivory tower of generalities." Some think that they can merely reflect on being and answer all questions that can be proposed about the material universe; others go so far as to maintain that their pedestrian knowledge of reality based on every-day experience is superior to that possessed by scientists hard at work uncovering the secrets of nature; still others rest content in the conviction that by intuiting the essence of man they have exhausted the possibilities of *propter quid* knowledge of nature. Such thinking has, of course, created a vacuum in natural philosophy, and one should not be surprised that "positive" sciences have moved in to fill the void. The pity is that modern science has brought with it its own inheritance of cartesian and positivist notions, and is rather a strange tenant to have in a castle where the ivory tower is inhabited by simon-pure "philosophers" intent on contemplating being.

Fr. Glutz's treatise may not give all the answers to current problems in natural philosophy, nor need it reconcile all the difficulties between traditional and modern thought, but it should go far to clear up some basic difficulties in the science of nature, and that in itself is a solid contribution.

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The Physical World of the Greeks. By S. SAMBURSKY. Translated by Merton Dagut. Pp. 265 with list of sources quoted and index. New York: Macmillan, 1957. \$4.00.

Initiation à la Philosophie d'Aristote. By M. D. PHILIPPE, O. P. Pp. 249. Paris: La Colombe, 1956.

These two works treating of Greek science and philosophy stand in sharp contrast to each other. The one, by a physicist at the Hebrew University, Jerusalem, is a kind of commentary on texts selected from many classical sources and translated by the author in the course of his studies. The other, by a philosopher, is an outline of Aristotle's teaching presented as an organic whole consisting of many different parts. One is historically broad in scope. Although not a history even of Greek science, it presents the methods and achievements of many scientists from different schools of ancient thought, and professes to show a certain similarity between their views and those held particularly by some modern physicists, together with differences in aim and emphasis no less remarkable. The other analyzes the broad sweep of Aristotle's thought not only in logic and natural philosophy but also in metaphysics and the moral sciences. One introduces different thinkers and doctrines without clarifying their historical connections and inner relations. The other shows the doctrine of Aristotle as a coherent synthesis born from the conflict of contrasting views and competing theories. One offers selections and criticisms of physical concepts from an assumed and restricted point of view. The other presents all the essentials of Aristotle's philosophy as they can be grasped by a careful study of his copious writings.

On one important point both writers agree. The ancient Greeks had little desire to conquer nature or to exploit it technically. They saw the physical world as a cosmos or organized whole, not as an abstract mathematical entity, and so they did not attempt to analyze it by systematic experimentation nor to explain it by laws and theories expressed in mathematical formulae. They were motivated by purely intellectual curiosity and aimed at the theoretical understanding of nature, without attempting to combine pure knowledge with practical applications. Nevertheless, they discovered the basic principles of the scientific approach to reality which are still valid as ever, and they tried to give a rational explanation of things within the framework of general hypotheses expressing the laws of the cosmos, without distinguishing between scientific investigation and philosophical reflection.

However, our authors do not entirely agree in their interpretations of the basic principles of the scientific approach. Professor Sambursky emphasises those efforts of the Pythagoreans and Stoics which gave promise of

systematic experimentation and more inclusive mathematical formulation, and acknowledges that these are achieved at the expense of all hope for necessary truth and ultimate certitude. He gives no hint of the scientific methodology elaborated by Aristotle, but asserts that "Aristotle's attitude leads nowhere and offers no hope of fruitful research in the natural sciences." (p. 47) Père Philippe faithfully sketches the broad outlines of Aristotle's logic and shows it to be not only an advance beyond the methods of Socrates, Plato and the Sophists but also a marvelous instrument for the purposes of precise and rigorous thought.

Contrary to what has often been stated, Aristotle's method is not at all dogmatic, nor is it simply deductive. Respect for the facts of sensory experience together with clear intuition or induction of principles are everywhere acknowledged to be logically prior to deduction. Aristotle is quoted as saying that Plato did not sufficiently base his theories on experience (cf. p. 69) and indeed frankly admitted (in the *Post. Anal.* 76a 25) that it is often difficult to be sure that we have attained a true principle of demonstration. In justice to Aristotle we must concede that if he was mistaken in some cases and ignorant in many others, it was not because his general methodology is at fault, but because the data at his disposal were necessarily limited in scope and accuracy, and because he was engaged with many other matters besides those of natural science. In the nature of the case, Aristotle's methods of demonstrating can be extended to all the results of modern investigation, and modern science would thereby gain much in clarity and certainty.

Furthermore, our authors do not entirely agree in their interpretations of physical concepts and doctrines. Both writers mention all the basic concepts which were discussed among the ancient Greeks, but to widely differing effect. Professor Sambursky stresses the boldness of scientific imagination exhibited by those who favored materialistic and deterministic explanations and mathematical formulations, and states that Aristotle's influence on the development of science was more negative than positive. Père Philippe shows Aristotle's account of the physical world as an original and solidly established synthesis of the permanent achievements of Greek science. Professor Sambursky enumerates without relating or accurately explaining the elements of this natural science as they were successively discovered or formulated by the Greeks. Père Philippe emphasizes the historical and logical continuity of thought, and carefully integrates the elements of natural science as these were defined and synthesized by Aristotle. In particular, the doctrine of matter and form, barely mentioned by the one, is assigned by the other its fundamental and ruling position in the natural philosophy of Aristotle. Furthermore, the Aristotelian distinction between what is natural and what is not natural, acknowledged by both to be of primary importance for Aristotle, is obscured

by the one and clarified by the other. Likewise the concept of teleology is muddled by the one and rendered distinct by the other.

Aristotle was too realistic and experiential a thinker to be an optimist. He did not teach that everything happens for the best, but states moderately that natural agents tend to produce effects which are generally good under the given circumstances, and make out even better this way than under some other arrangement, but not simply the best. Moreover, he explicitly defends and explains genuine chance or fortune, both good and bad, and denies strict determinism. However, this does not mean that there are effects without causes, or exceptions to the principles of causality, but rather that there are effects which have merely incidental causes in this world, and lack proper, essential or necessary causes. These two classes of effects are easily distinguished at the experimental level on the basis of regular or exceptional occurrence. Effects which happen regularly or for the most part, always or nearly always, are not due to chance but have proper, essential and necessary causes. Experience shows that natural agents act regularly, always or nearly always in the same way, and for the most part produce that which is good for themselves, or for their kind, or for the world as a whole. Therefore, natural effects have necessary causes, and natural agents act with a natural and necessary determination for an end or purpose. This necessity, however, is not absolute, but merely hypothetical, nor is purposive action always conscious or deliberate. Necessity is attributed to the matter and to the agent which are required for the production of a certain effect which is generally good and naturally desirable, but the reason for this necessity is found in the goodness itself of the effect to be produced. For example, if a certain compound is to be produced then certain reagents in a certain proportion and a moving or stimulating cause are required to produce it, and if an organism is to preserve itself and its kind then it must nourish itself, grow and reproduce. This doctrine of teleology is not anthropomorphic, but it does manifest that the natural agents are themselves the effects of the intelligent Author of nature.

Again, the most characteristic element of physical science is motion. Professor Sambursky entirely omits the definition of motion, and seems to accept it as a basic fact which does not need explanation. This somehow leads to the principle that quality can be reduced to quantity. (p. 11) He reproaches Aristotle for wanting to explain literally "how there can be movement" rather than "how such and such a motion is dependent upon such and such factors" or "what form the motion takes in such and such circumstances." Père Philippe explains the definition of motion given by Aristotle, and shows the need for proper causes from the very fact that motion is not something which exists all at once but is essentially a kind of coming into being which necessarily depends upon something else for

its being. It is merely arbitrary to admit one type of question concerning motion and to rule out another type as "metaphysical" and so devoid of scientific interest.

Professor Sambursky mentions the difficulties in the way of admitting a void or vacuum in the strict sense, and he recounts the paradoxes of the continuum, whether in magnitude, motion or time. He thinks that these were not satisfactorily solved by Aristotle's distinction between the divisible with parts in potency and the actually divided with parts in act, but prefers a mathematical solution in terms of a transition to the limit "which reduces to zero the distance between intermediate points." (p. 148) Père Philippe indicates the genuine doctrine of Aristotle according to which each natural body is a continuum, and the physical world is composed of many such bodies which are not continuous with one another but in contact and without a void. A continuum is composed of many parts in act, and is infinitely divisible but not infinitely divided. This infinite is infinite potency, not infinite act, and the parts are not indivisible points but divisible parts in continuity with one another. Furthermore, the static continuity of a body is distinct from the dynamic continuity of motion and time. In the one case the divisible parts actually coexist; in the other case the parts are either past or future, and only the present indivisible of motion and time actually exists. Between points in a continuum there is always a divisible, but the divisible in motion and time is not actual all at once, and the present is an indivisible point in the continuing motion of bodies. Bodies are not moved through indivisible points, but from point to point, passing divisibles which are not infinitely divided. Nor do bodies penetrate one another, but rather one is displaced by another, while contraction and expansion—genuine rarefaction and condensation—enable them to fill all the space without leaving a void.

Aristotle admitted the usefulness of mathematics in the solution of physical problems, but he carefully distinguished mathematics from physics or natural philosophy, and maintained that mathematical physics pertains rather to mathematics than to physics, although it is not pure mathematics. As Professor Sanbursky states, the physical quantities measured by man are the cornerstones of mathematical physics, and it is because of them that theoretical calculations can be translated into the language of experience. The wonderful regularity of these quantities shows that they are natural and necessary, and provides the firm foundation for hypotheses and theories. But as Père Philippe shows, it is a grave error to think that the sum total of our knowledge of the physical world is or can be expressed in this manner. If this is what we now mean by "science," then there must be another kind of knowledge which we may call "philosophy." Science in this sense of the term is based upon experience of the particular and proceeds by artificial experimentation and induction to de-

termine the physical quantities which it formulates in a way suited to deductive reasoning and practical application. It is often said to be concerned with the 'how' rather than with the 'why,' and indeed Professor Sambursky distinguishes science from philosophy in this way (p. 224), although he admits that this distinction is not a part of ancient thought.

Legitimate and fruitful as the mathematical approach to nature undoubtedly is, Père Philippe shows how Aristotle opened up another way and laid the foundations for another body of knowledge which is genuinely scientific and which deserves the name of natural philosophy. The physical world is rich in natural units which are qualitatively as well as quantitatively different from one another and which manifest regular patterns of change. These natural units come into being and cease to be, not only according to number, weight and measure, but also according to the inner harmony of their characteristics, whether gravitational or electrical, chemical or vital. Such units are made by natural actions, not by human art or technology, and so they can be known only in a way that is theoretical, not practical. These things can be defined through their observable characteristics, and they can be analyzed and understood in view of the proper principles of change. In this way the whole natural world with its complex variety of natural species interacting and interrelated, elements, compounds, plants and animals, and even man himself, constitute the subject of a great science distinct from mathematics and mathematical physics.

Furthermore, through the principles of orderly change and by reflection of our own intellectual life we are lead to a certain knowledge of immaterial beings. The fact that there are immaterial beings which we can know through material ones opens the way to a supreme science which Aristotle called wisdom or first philosophy, and which we call metaphysics. Both of our authors mention Aristotle's metaphysics, but the one does not describe or justify it, whereas the other gives an orderly and solid analysis of the work, and gives also an analysis of Aristotle's moral philosophy.

In brief, therefore, we can say that the book by the physicist is recommended for its clear and interesting presentation of important details in the history of science, but not for its philosophical interpretation, which is both false and inadequate in many respects. The book by the philosopher is highly recommended for all who desire to see the genuine thought of Aristotle in general outline, its length and its breadth, its height and its depth.

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BRIEF NOTICES

The Bible and the Liturgy. By JEAN DANIELOU, S.J. Notre Dame, Indiana: University of Notre Dame Press, 1956. Pp. 382. \$5.25.

Theology defines the sacraments as "efficacious signs." Fr. Danielou contends that our modern textbooks insist almost exclusively on the first term of this definition and pay very little attention to the significative nature of the sacraments. He believes that a study of the significance of the sacramental rites and of Christian worship will not merely satisfy curiosity but will be helpful for pastoral liturgy. Because they are not understood, the rites of the sacraments often seem to the faithful to be artificial and sometimes even shocking. Discovery of their meaning should bring back an appreciation of the value of these rites.

There was no such problem in the early Church, for the sacramental rites were explained to the faithful. Therefore Fr. Danielou here presents an interpretation of Christian worship according to the Fathers of the Church, and in particular he examines the symbolism of the three principal sacraments, baptism, confirmation and the Eucharist. Baptism is treated in six chapters covering the preparation, the rite, the *sphragis* (sign of the cross on the forehead), and some of the types: creation, the deluge, the crossing of the Red Sea, Elias and the Jordan. There is one excellent chapter on confirmation, on the signification of the anointing. Five chapters are on the figures or types of the Eucharist. The concluding chapters consider the various aspects of the Christian week and the liturgical year: the Sabbath, the Lord's Day, the Eighth Day, Easter, Ascension, Pentecost and the Feast of Tabernacles.

Considering the purpose of the author, the work is good. That the realities of the Old Testament are figures of the New is certainly an accepted principle of biblical theology. Even the prophets of the Old Testament had foretold that there would be a new deluge, a new exodus, a new paradise. Our Lord and the Apostles applied many of the events of the Old Testament to their own times. The New Testament, as Fr. Danielou says, did not invent typology but simply showed that it was fulfilled in the person of Christ, in the Church, and in the sacraments.

For Fr. Danielou the reference to the Bible constitutes an authority justifying the existence and form of the sacraments by showing that they are the expression of the constant modes of the divine action, and consequently of the very purpose of God. More importantly for the author the biblical references present the symbolism in which the sacraments were first conceived, by categories borrowed from the Old Testament. Later

theology continued to elaborate the original significance. This is Fr. Danielou's "justification" for this book. It is in the Fathers that we meet apostolic tradition; they are its witnesses and depositaries. "Their sacramental theology is a biblical theology, and it is this biblical theology which we are to try to recover."

It is not an easy book by any means. It demands slow and careful reading. There are times when one suspects the eminent patrologist is identifying the literal sense with the typical sense. Does he believe that there could be a true and complete theology of the sacraments built upon the typical sense alone? A little more explanation of typology, "the science of the similitudes between the two Testaments," would be of great help in the introduction. His definition of the principles which inspired these patristic interpretations is not too clear, either. He maintains that symbolism is not subject to the whims of each interpreter, but surely it cannot be denied that even among the Fathers there is a variety of mystical interpretations.

Nevertheless, it cannot be denied either that this book represents a tremendous amount of research and compilation. The author has done well with the sparse material from the first three centuries, especially the *Traditio Apostolica*, Tertullian and Origen. From the later centuries his chief sources are the catechetical sermons of St. Cyril of Jerusalem and John his successor, St. Ambrose, Theodore of Mopsuestia and the Pseudo-Dionysius. The generally fine quality of the book is marred by misspellings (pp. 16, 236, 238), inconsistency in the use of Roman and Arabic numerals for the designation of chapters of the Bible, and inconsistency in the failure to translate all Greek and Latin phrases and words.

It is quite possible that many might get the impression that this work should rank with the Dead Sea Scrolls as a bridge over centuries of ignorance and neglect. Granted that there have been some wonderful discoveries recently in patristic literature—but what, substantially, have they added to our knowledge? *The Bible and the Liturgy* presents a good occasion for a reappraisal of St. Thomas in this matter. A cursory comparison reveals that the Common Doctor did not miss much, and a treasury of patristic doctrine can be ours if only we will reach out to receive what he is "handing on" to us.

To cite a few instances, Fr. Danielou relates (pp. 210-211) Tertullian's explanation of the Pool of Bethesda (or Bethsaida, in John chap. 5) as a baptismal symbol. St. Thomas in his commentary on the same Gospel writes that according to Chrysostom this pool mystically prefigured baptism. Fr. Danielou later writes (p. 214) that "Ambrose recalls the text and continues: 'Why an Angel? Because Christ Himself is the Angel of the great counsel'"; St. Thomas found the same in Augustine. Again, Fr. Danielou notes (pp. 225-226) a relation of the picking of the ears of corn

and the healing of the withered hand on the Sabbath to the Sabbath rest. St. Thomas does the same in his own patristic commentary, the *Catena Aurea*; and in his commentary on Matt. 12:1 he writes that mystically the plucking of the ears means the multiple way of understanding the Scriptures or the conversion of sinners. Finally, of Eph. 1:20-22 Fr. Danielou says "it is certain that Psalm CIX is to be found in the background of this passage" (p. 308); and St. Thomas found it.

This comparison with St. Thomas is not made to disparage the fine work of Fr. Danielou, but simply to remind Thomists of the importance and utility of continual study of all the works of St. Thomas. John XXII said that by the use of the works of St. Thomas a man would profit more in one year than if he studied the doctrine of others for his whole life. Pius VI said that St. Thomas taught only what was consistent with Sacred Scripture and the Fathers. While we are grateful, then, to Fr. Danielou for his great labors, let us not forget the command of Benedict XIII: "Pursue with energy your Doctor's works."

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TOYNBEE AND HISTORY. *Critical Essays and Reviews*. Edited by M. F. ASHLEY MONTAGU. Porter Sargent Publisher: Boston, 1956. Pp. 401. \$5.00.

As the critics have been saying for more than two decades, Arnold Toynbee is a scholar to be reckoned with. No other name in the academic world, with the exception perhaps of Albert Einstein, is better known among contemporary scholars. And now we have a collection of essays and reviews of Dr. Toynbee's works under the title. *Toynbee and History*. The book presents an impressive list of scholars who as historians, social scientists, theologians and men of letters have published their opinions of Arnold Toynbee's *A Study of History*. Some of the essays cover the first volumes which appeared between 1934 and 1939; others are concerned with the entire book in ten volumes which was completed in 1954. A one-volume abridgement of the first six volumes by D. C. Sommervell, a Book-of-the-Month selection, sold over a hundred thousand copies while the Oxford University Press edition of the same work sold almost two hundred thousand copies.

It is the opinion of this writer that there will be a sharp decline in the demand for both the unabridged and abridged editions of *A Study of History* when the book under review becomes more widely known, for

nearly all the writers presented in this book have examined *A Study of History* and found it wanting. The studies of Pitirim A. Sorokin, Kenneth W. Thompson and from a Catholic point of view Linus Walker, O. P., are the most comprehensive, penetrating and readable.

The author of *A Study of History* gives scant attention to the Middle Ages. It may be that his admiration for the ancient classical world, especially the Graeco-Roman civilization, and his preoccupation with the technological development of the Modern Western World left him little time to study the medieval period. Or could there have been some other and more personal reason? Later writings of Mr. Toynbee lead one to suspect that such might have been the case. In any event this reviewer is convinced that Toynbee would have written a different book and the reviewers different essays had Mr. Toynbee been more familiar with the works of Thomas Aquinas and Maimonides.

Mr. Sorokin gives us six reasons why *A Study of History* is misleading and inaccurate. And Sorokin supports his contention with what appear to be irrefragable arguments. Most of the other contributors—there are twenty-eight in all—from the restricted field of their proper studies, Political Science, Sociology, Religion etc., appraise *A Study of History* with a similar unsympathetic eye. None of the writers deny the virtues of Mr. Toynbee's *Study or Civilization on Trial*, a collection of articles and lectures later expanded into *A Study of History*.

It seems to be the consensus of opinion that if Toynbee had been satisfied to write as an historian and gives us the results of his vast erudition instead of essaying the role of philosopher, theologian and prophet, he might well have taken his place among the great historians of the world. As matters stand, all are agreed that he will be remembered as a controversial figure among scholars whatever evaluation is placed on his work by future historians.

There can be little doubt that some of Mr. Toynbee's critics were swayed by racial, religious and anti-religious prejudice though quite unconsciously. After all it is pretty difficult for a believing Christian, Mohammedan or Jew to take a purely objective view of Mr. Toynbee's work. He attacks by implication, at least, their most cherished beliefs.

Many scholars, including the contributors to this book, have rejected Toynbee's conclusions and where they agree with him they reject the arguments he advances in support of his position. In a word, Mr. Toynbee is often right but for the wrong reasons. However, *Toynbee and History* is a must for those interested in history as interpreted by the distinguished English historian. And they who read the book will have a better understanding of the controversy which his name usually provokes.

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Kierkegaard Commentary. By T. H. CROXALL, New York: Harper and Brothers, 1956. Pp. 282. \$5.00.

This book is important by virtue of its subject, and by virtue of its treatment of that subject. The subject is the writings of Kierkegaard, the founder of existentialism. Now founders have a way of being the purest representatives of the school they found. So there is no Aristotelian like Aristotle, no Thomist like Thomas, no pragmatist like Peirce, no existentialist like Kierkegaard. To be sure, existentialism means enormously different things, some of which have been unreservedly condemned by the teaching authority of the Church, as well as by right reason. But it would be intolerable to assume that because both Kierkegaard's and Sartre's thought is dominated by the term "existentialism" that therefore they are indistinguishable. One might as well argue that Aquinas and Averroes must have taught the same things since both were Aristotelian. The fact is that Kierkegaard's thought, deeply Protestant and deeply tortured as it is—though I do not suggest any necessary connection between these two adjectives—is, in many respects, a necessary and a fruitful part of the philosophical education of any student of philosophy in our time.

The treatment of Kierkegaard here is in line with a tradition which seems to be specifically English—the tradition of writing a book that is solid without being oppressive; a book intelligible to everyone yet proceeding from the deepest scholarship. What Ross is to Aristotle, what Aaron is to Locke, Croxall is to Kierkegaard. He is a magnificent starting point for Kierkegaard studies, but also a proper colleague for the most competent Kierkegaard scholars. He makes his own translations from the Danish for the innumerable quotations, because of his dissatisfaction with existing translations—a dissatisfaction I am incompetent to evaluate. He refers to and evaluates in footnotes all the Kierkegaard scholarship, German, Danish, French, English, as he goes along. He draws up an appendix of the nineteen pseudonyms used by Kierkegaard in his various books; gives a bibliography of Kierkegaard works available in English, including his own *Meditations from Kierkegaard*. Mr. Croxall has written on Kierkegaard before (*Kierkegaard Studies*), and doubtless he shall do so again. Meanwhile he has produced a book which, while avoiding that degree of systematization which would falsify Kierkegaard, manages to group an ample analysis of many of Keirkegaard's books under the Kierkegaard themes in a work which is a model of its kind.

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